



Rep. Dennis M. Reboletti

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LRB097 06225 RLC 56352 a

1 AMENDMENT TO SENATE BILL 1228

2 AMENDMENT NO. _____. Amend Senate Bill 1228 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by adding
5 the headings of Subdivisions 1, 5, 10, 15, and 20 of Article 16
6 and Sections 16-0.1, 16-25, 16-26, 16-27, 16-28, 16-30, 16-31,
7 16-32, 16-33, 16-34, 16-35, 16-36, 16-37, 16-40, 16-45, 24-3.8,
8 24-3.9, and 26-1.1 and by changing Sections 2-15, 3-6, 12-3.05,
9 16-1, 16-2, 16-3, 16-5, 16-6, 16-7, 16-14, 16-17, 16-18,
10 17-0.5, and 17-2 as follows:

11 (720 ILCS 5/2-15) (from Ch. 38, par. 2-15)

12 Sec. 2-15. "Person".

13 "Person" means an individual, natural person, public or
14 private corporation, government, partnership, ~~or~~
15 unincorporated association, or other entity.

16 (Source: Laws 1961, p. 1983.)

1 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

2 (Text of Section after amendment by P.A. 96-1551)

3 Sec. 3-6. Extended limitations. The period within which a
4 prosecution must be commenced under the provisions of Section
5 3-5 or other applicable statute is extended under the following
6 conditions:

7 (a) A prosecution for theft involving a breach of a
8 fiduciary obligation to the aggrieved person may be commenced
9 as follows:

10 (1) If the aggrieved person is a minor or a person
11 under legal disability, then during the minority or legal
12 disability or within one year after the termination
13 thereof.

14 (2) In any other instance, within one year after the
15 discovery of the offense by an aggrieved person, or by a
16 person who has legal capacity to represent an aggrieved
17 person or has a legal duty to report the offense, and is
18 not himself or herself a party to the offense; or in the
19 absence of such discovery, within one year after the proper
20 prosecuting officer becomes aware of the offense. However,
21 in no such case is the period of limitation so extended
22 more than 3 years beyond the expiration of the period
23 otherwise applicable.

24 (b) A prosecution for any offense based upon misconduct in
25 office by a public officer or employee may be commenced within

1 one year after discovery of the offense by a person having a
2 legal duty to report such offense, or in the absence of such
3 discovery, within one year after the proper prosecuting officer
4 becomes aware of the offense. However, in no such case is the
5 period of limitation so extended more than 3 years beyond the
6 expiration of the period otherwise applicable.

7 (c) (Blank).

8 (d) A prosecution for child pornography, aggravated child
9 pornography, indecent solicitation of a child, soliciting for a
10 juvenile prostitute, juvenile pimping, exploitation of a
11 child, or promoting juvenile prostitution except for keeping a
12 place of juvenile prostitution may be commenced within one year
13 of the victim attaining the age of 18 years. However, in no
14 such case shall the time period for prosecution expire sooner
15 than 3 years after the commission of the offense. When the
16 victim is under 18 years of age, a prosecution for criminal
17 sexual abuse may be commenced within one year of the victim
18 attaining the age of 18 years. However, in no such case shall
19 the time period for prosecution expire sooner than 3 years
20 after the commission of the offense.

21 (e) Except as otherwise provided in subdivision (j), a
22 prosecution for any offense involving sexual conduct or sexual
23 penetration, as defined in Section 11-0.1 of this Code, where
24 the defendant was within a professional or fiduciary
25 relationship or a purported professional or fiduciary
26 relationship with the victim at the time of the commission of

1 the offense may be commenced within one year after the
2 discovery of the offense by the victim.

3 (f) A prosecution for any offense set forth in Section 44
4 of the "Environmental Protection Act", approved June 29, 1970,
5 as amended, may be commenced within 5 years after the discovery
6 of such an offense by a person or agency having the legal duty
7 to report the offense or in the absence of such discovery,
8 within 5 years after the proper prosecuting officer becomes
9 aware of the offense.

10 (f-5) A prosecution for any offense set forth in Section
11 16-30 ~~16G-15~~ or ~~16G-20~~ of this Code may be commenced within 5
12 years after the discovery of the offense by the victim of that
13 offense.

14 (g) (Blank).

15 (h) (Blank).

16 (i) Except as otherwise provided in subdivision (j), a
17 prosecution for criminal sexual assault, aggravated criminal
18 sexual assault, or aggravated criminal sexual abuse may be
19 commenced within 10 years of the commission of the offense if
20 the victim reported the offense to law enforcement authorities
21 within 3 years after the commission of the offense.

22 Nothing in this subdivision (i) shall be construed to
23 shorten a period within which a prosecution must be commenced
24 under any other provision of this Section.

25 (j) When the victim is under 18 years of age at the time of
26 the offense, a prosecution for criminal sexual assault,

1 aggravated criminal sexual assault, predatory criminal sexual
2 assault of a child, aggravated criminal sexual abuse, or felony
3 criminal sexual abuse, or a prosecution for failure of a person
4 who is required to report an alleged or suspected commission of
5 any of these offenses under the Abused and Neglected Child
6 Reporting Act may be commenced within 20 years after the child
7 victim attains 18 years of age. When the victim is under 18
8 years of age at the time of the offense, a prosecution for
9 misdemeanor criminal sexual abuse may be commenced within 10
10 years after the child victim attains 18 years of age.

11 Nothing in this subdivision (j) shall be construed to
12 shorten a period within which a prosecution must be commenced
13 under any other provision of this Section.

14 (k) A prosecution for theft involving real property
15 exceeding \$100,000 in value under Section 16-1, identity theft
16 under subsection (a) of Section 16-30 ~~16G-15~~, aggravated
17 identity theft under subsection (b) of Section 16-30 ~~16G-20~~, or
18 any offense set forth in Article 16H or Section 17-10.6 may be
19 commenced within 7 years of the last act committed in
20 furtherance of the crime.

21 (Source: P.A. 95-548, eff. 8-30-07; 96-233, eff. 1-1-10;
22 96-1551, Article 2, Section 1035, eff. 7-1-11; 96-1551, Article
23 10, Section 10-140, eff. 7-1-11; revised 4-14-11.)

24 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

25 (This Section may contain text from a Public Act with a

1 delayed effective date)

2 Sec. 12-3.05. Aggravated battery.

3 (a) Offense based on injury. A person commits aggravated
4 battery when, in committing a battery, other than by the
5 discharge of a firearm, he or she knowingly does any of the
6 following:

7 (1) Causes great bodily harm or permanent disability or
8 disfigurement.

9 (2) Causes severe and permanent disability, great
10 bodily harm, or disfigurement by means of a caustic or
11 flammable substance, a poisonous gas, a deadly biological
12 or chemical contaminant or agent, a radioactive substance,
13 or a bomb or explosive compound.

14 (3) Causes great bodily harm or permanent disability or
15 disfigurement to an individual whom the person knows to be
16 a peace officer, community policing volunteer, fireman,
17 private security officer, correctional institution
18 employee, or Department of Human Services employee
19 supervising or controlling sexually dangerous persons or
20 sexually violent persons:

21 (i) performing his or her official duties;

22 (ii) battered to prevent performance of his or her
23 official duties; or

24 (iii) battered in retaliation for performing his
25 or her official duties.

26 (4) Causes great bodily harm or permanent disability or

1 disfigurement to an individual 60 years of age or older.

2 (5) Strangles another individual.

3 (b) Offense based on injury to a child or mentally retarded
4 person. A person who is at least 18 years of age commits
5 aggravated battery when, in committing a battery, he or she
6 knowingly and without legal justification by any means:

7 (1) causes great bodily harm or permanent disability or
8 disfigurement to any child under the age of 13 years, or to
9 any severely or profoundly mentally retarded person; or

10 (2) causes bodily harm or disability or disfigurement
11 to any child under the age of 13 years or to any severely
12 or profoundly mentally retarded person.

13 (c) Offense based on location of conduct. A person commits
14 aggravated battery when, in committing a battery, other than by
15 the discharge of a firearm, he or she is or the person battered
16 is on or about a public way, public property, a public place of
17 accommodation or amusement, a sports venue, or a domestic
18 violence shelter.

19 (d) Offense based on status of victim. A person commits
20 aggravated battery when, in committing a battery, other than by
21 discharge of a firearm, he or she knows the individual battered
22 to be any of the following:

23 (1) A person 60 years of age or older.

24 (2) A person who is pregnant or physically handicapped.

25 (3) A teacher or school employee upon school grounds or
26 grounds adjacent to a school or in any part of a building

1 used for school purposes.

2 (4) A peace officer, community policing volunteer,
3 fireman, private security officer, correctional
4 institution employee, or Department of Human Services
5 employee supervising or controlling sexually dangerous
6 persons or sexually violent persons:

7 (i) performing his or her official duties;

8 (ii) battered to prevent performance of his or her
9 official duties; or

10 (iii) battered in retaliation for performing his
11 or her official duties.

12 (5) A judge, emergency management worker, emergency
13 medical technician, or utility worker:

14 (i) performing his or her official duties;

15 (ii) battered to prevent performance of his or her
16 official duties; or

17 (iii) battered in retaliation for performing his
18 or her official duties.

19 (6) An officer or employee of the State of Illinois, a
20 unit of local government, or a school district, while
21 performing his or her official duties.

22 (7) A transit employee performing his or her official
23 duties, or a transit passenger.

24 (8) A taxi driver on duty.

25 (9) A merchant who detains the person for an alleged
26 commission of retail theft under Section 16-26 ~~16A-5~~ of

1 this Code and the person without legal justification by any
2 means causes bodily harm to the merchant.

3 (e) Offense based on use of a firearm. A person commits
4 aggravated battery when, in committing a battery, he or she
5 knowingly does any of the following:

6 (1) Discharges a firearm, other than a machine gun or a
7 firearm equipped with a silencer, and causes any injury to
8 another person.

9 (2) Discharges a firearm, other than a machine gun or a
10 firearm equipped with a silencer, and causes any injury to
11 a person he or she knows to be a peace officer, community
12 policing volunteer, person summoned by a police officer,
13 fireman, private security officer, correctional
14 institution employee, or emergency management worker:

15 (i) performing his or her official duties;

16 (ii) battered to prevent performance of his or her
17 official duties; or

18 (iii) battered in retaliation for performing his
19 or her official duties.

20 (3) Discharges a firearm, other than a machine gun or a
21 firearm equipped with a silencer, and causes any injury to
22 a person he or she knows to be an emergency medical
23 technician employed by a municipality or other
24 governmental unit:

25 (i) performing his or her official duties;

26 (ii) battered to prevent performance of his or her

1 official duties; or

2 (iii) battered in retaliation for performing his
3 or her official duties.

4 (4) Discharges a firearm and causes any injury to a
5 person he or she knows to be a teacher, a student in a
6 school, or a school employee, and the teacher, student, or
7 employee is upon school grounds or grounds adjacent to a
8 school or in any part of a building used for school
9 purposes.

10 (5) Discharges a machine gun or a firearm equipped with
11 a silencer, and causes any injury to another person.

12 (6) Discharges a machine gun or a firearm equipped with
13 a silencer, and causes any injury to a person he or she
14 knows to be a peace officer, community policing volunteer,
15 person summoned by a police officer, fireman, private
16 security officer, correctional institution employee or
17 emergency management worker:

18 (i) performing his or her official duties;

19 (ii) battered to prevent performance of his or her
20 official duties; or

21 (iii) battered in retaliation for performing his
22 or her official duties.

23 (7) Discharges a machine gun or a firearm equipped with
24 a silencer, and causes any injury to a person he or she
25 knows to be an emergency medical technician employed by a
26 municipality or other governmental unit:

1 (i) performing his or her official duties;

2 (ii) battered to prevent performance of his or her
3 official duties; or

4 (iii) battered in retaliation for performing his
5 or her official duties.

6 (8) Discharges a machine gun or a firearm equipped with
7 a silencer, and causes any injury to a person he or she
8 knows to be a teacher, or a student in a school, or a
9 school employee, and the teacher, student, or employee is
10 upon school grounds or grounds adjacent to a school or in
11 any part of a building used for school purposes.

12 (f) Offense based on use of a weapon or device. A person
13 commits aggravated battery when, in committing a battery, he or
14 she does any of the following:

15 (1) Uses a deadly weapon other than by discharge of a
16 firearm, or uses an air rifle as defined in the Air Rifle
17 Act.

18 (2) Wears a hood, robe, or mask to conceal his or her
19 identity.

20 (3) Knowingly and without lawful justification shines
21 or flashes a laser gunsight or other laser device attached
22 to a firearm, or used in concert with a firearm, so that
23 the laser beam strikes upon or against the person of
24 another.

25 (g) Offense based on certain conduct. A person commits
26 aggravated battery when, other than by discharge of a firearm,

1 he or she does any of the following:

2 (1) Violates Section 401 of the Illinois Controlled
3 Substances Act by unlawfully delivering a controlled
4 substance to another and any user experiences great bodily
5 harm or permanent disability as a result of the injection,
6 inhalation, or ingestion of any amount of the controlled
7 substance.

8 (2) Knowingly administers to an individual or causes
9 him or her to take, without his or her consent or by threat
10 or deception, and for other than medical purposes, any
11 intoxicating, poisonous, stupefying, narcotic, anesthetic,
12 or controlled substance, or gives to another person any
13 food containing any substance or object intended to cause
14 physical injury if eaten.

15 (3) Knowingly causes or attempts to cause a
16 correctional institution employee or Department of Human
17 Services employee to come into contact with blood, seminal
18 fluid, urine, or feces by throwing, tossing, or expelling
19 the fluid or material, and the person is an inmate of a
20 penal institution or is a sexually dangerous person or
21 sexually violent person in the custody of the Department of
22 Human Services.

23 (h) Sentence. Unless otherwise provided, aggravated
24 battery is a Class 3 felony.

25 Aggravated battery as defined in subdivision (a) (4),
26 (d) (4), or (g) (3) is a Class 2 felony.

1 Aggravated battery as defined in subdivision (a)(3) or
2 (g)(1) is a Class 1 felony.

3 Aggravated battery under subdivision (a)(5) is a Class 1
4 felony if:

5 (A) the person used or attempted to use a dangerous
6 instrument while committing the offense; or

7 (B) the person caused great bodily harm or permanent
8 disability or disfigurement to the other person while
9 committing the offense; or

10 (C) the person has been previously convicted of a
11 violation of subdivision (a)(5) under the laws of this
12 State or laws similar to subdivision (a)(5) of any other
13 state.

14 Aggravated battery as defined in subdivision (e)(1) is a
15 Class X felony.

16 Aggravated battery as defined in subdivision (a)(2) is a
17 Class X felony for which a person shall be sentenced to a term
18 of imprisonment of a minimum of 6 years and a maximum of 45
19 years.

20 Aggravated battery as defined in subdivision (e)(5) is a
21 Class X felony for which a person shall be sentenced to a term
22 of imprisonment of a minimum of 12 years and a maximum of 45
23 years.

24 Aggravated battery as defined in subdivision (e)(2),
25 (e)(3), or (e)(4) is a Class X felony for which a person shall
26 be sentenced to a term of imprisonment of a minimum of 15 years

1 and a maximum of 60 years.

2 Aggravated battery as defined in subdivision (e)(6),
3 (e)(7), or (e)(8) is a Class X felony for which a person shall
4 be sentenced to a term of imprisonment of a minimum of 20 years
5 and a maximum of 60 years.

6 Aggravated battery as defined in subdivision (b)(1) is a
7 Class X felony, except that:

8 (1) if the person committed the offense while armed
9 with a firearm, 15 years shall be added to the term of
10 imprisonment imposed by the court;

11 (2) if, during the commission of the offense, the
12 person personally discharged a firearm, 20 years shall be
13 added to the term of imprisonment imposed by the court;

14 (3) if, during the commission of the offense, the
15 person personally discharged a firearm that proximately
16 caused great bodily harm, permanent disability, permanent
17 disfigurement, or death to another person, 25 years or up
18 to a term of natural life shall be added to the term of
19 imprisonment imposed by the court.

20 (i) Definitions. For the purposes of this Section:

21 "Building or other structure used to provide shelter" has
22 the meaning ascribed to "shelter" in Section 1 of the Domestic
23 Violence Shelters Act.

24 "Domestic violence" has the meaning ascribed to it in
25 Section 103 of the Illinois Domestic Violence Act of 1986.

26 "Domestic violence shelter" means any building or other

1 structure used to provide shelter or other services to victims
2 or to the dependent children of victims of domestic violence
3 pursuant to the Illinois Domestic Violence Act of 1986 or the
4 Domestic Violence Shelters Act, or any place within 500 feet of
5 such a building or other structure in the case of a person who
6 is going to or from such a building or other structure.

7 "Firearm" has the meaning provided under Section 1.1 of the
8 Firearm Owners Identification Card Act, and does not include an
9 air rifle as defined by Section 1 of the Air Rifle Act.

10 "Machine gun" has the meaning ascribed to it in Section
11 24-1 of this Code.

12 "Merchant" has the meaning ascribed to it in Section 16-0.1
13 ~~16A-2.4~~ of this Code.

14 "Strangle" means intentionally impeding the normal
15 breathing or circulation of the blood of an individual by
16 applying pressure on the throat or neck of that individual or
17 by blocking the nose or mouth of that individual.

18 (Source: P.A. 95-236, eff. 1-1-08; 95-256, eff. 1-1-08; 95-331,
19 eff. 8-21-07; 95-429, eff. 1-1-08; 95-748, eff. 1-1-09; 95-876,
20 eff. 8-21-08; 96-201, eff. 8-10-09; 96-363, eff. 8-13-09;
21 96-1000, eff. 7-2-10; 96-1551, eff. 7-1-11.)

22 (720 ILCS 5/Art. 16, Subdiv. 1 heading new)

23 SUBDIVISION 1. DEFINITIONS

24 (720 ILCS 5/16-0.1 new)

1 Sec. 16-0.1. Definitions. In this Article, unless the
2 context clearly requires otherwise, the following terms are
3 defined as indicated:

4 "Access" means to use, instruct, communicate with, store
5 data in, retrieve or intercept data from, or otherwise utilize
6 any services of a computer.

7 "Coin-operated machine" includes any automatic vending
8 machine or any part thereof, parking meter, coin telephone,
9 coin-operated transit turnstile, transit fare box, coin
10 laundry machine, coin dry cleaning machine, amusement machine,
11 music machine, vending machine dispensing goods or services, or
12 money changer.

13 "Communication device" means any type of instrument,
14 device, machine, or equipment which is capable of transmitting,
15 acquiring, decrypting, or receiving any telephonic,
16 electronic, data, Internet access, audio, video, microwave, or
17 radio transmissions, signals, communications, or services,
18 including the receipt, acquisition, transmission, or
19 decryption of all such communications, transmissions, signals,
20 or services provided by or through any cable television, fiber
21 optic, telephone, satellite, microwave, radio, Internet-based,
22 data transmission, or wireless distribution network, system or
23 facility; or any part, accessory, or component thereof,
24 including any computer circuit, security module, smart card,
25 software, computer chip, electronic mechanism or other
26 component, accessory or part of any communication device which

1 is capable of facilitating the transmission, decryption,
2 acquisition or reception of all such communications,
3 transmissions, signals, or services.

4 "Communication service" means any service lawfully
5 provided for a charge or compensation to facilitate the lawful
6 origination, transmission, emission, or reception of signs,
7 signals, data, writings, images, and sounds or intelligence of
8 any nature by telephone, including cellular telephones or a
9 wire, wireless, radio, electromagnetic, photo-electronic or
10 photo-optical system; and also any service lawfully provided by
11 any radio, telephone, cable television, fiber optic,
12 satellite, microwave, Internet-based or wireless distribution
13 network, system, facility or technology, including, but not
14 limited to, any and all electronic, data, video, audio,
15 Internet access, telephonic, microwave and radio
16 communications, transmissions, signals and services, and any
17 such communications, transmissions, signals and services
18 lawfully provided directly or indirectly by or through any of
19 those networks, systems, facilities or technologies.

20 "Communication service provider" means: (1) any person or
21 entity providing any communication service, whether directly
22 or indirectly, as a reseller, including, but not limited to, a
23 cellular, paging or other wireless communications company or
24 other person or entity which, for a fee, supplies the facility,
25 cell site, mobile telephone switching office or other equipment
26 or communication service; (2) any person or entity owning or

1 operating any cable television, fiber optic, satellite,
2 telephone, wireless, microwave, radio, data transmission or
3 Internet-based distribution network, system or facility; and
4 (3) any person or entity providing any communication service
5 directly or indirectly by or through any such distribution
6 system, network or facility.

7 "Computer" means a device that accepts, processes, stores,
8 retrieves or outputs data, and includes but is not limited to
9 auxiliary storage and telecommunications devices connected to
10 computers.

11 "Continuing course of conduct" means a series of acts, and
12 the accompanying mental state necessary for the crime in
13 question, irrespective of whether the series of acts are
14 continuous or intermittent.

15 "Delivery container" means any bakery basket of wire or
16 plastic used to transport or store bread or bakery products,
17 any dairy case of wire or plastic used to transport or store
18 dairy products, and any dolly or cart of 2 or 4 wheels used to
19 transport or store any bakery or dairy product.

20 "Document-making implement" means any implement,
21 impression, template, computer file, computer disc, electronic
22 device, computer hardware, computer software, instrument, or
23 device that is used to make a real or fictitious or fraudulent
24 personal identification document.

25 "Financial transaction device" means any of the following:

26 (1) An electronic funds transfer card.

1 (2) A credit card.

2 (3) A debit card.

3 (4) A point-of-sale card.

4 (5) Any instrument, device, card, plate, code, account
5 number, personal identification number, or a record or copy
6 of a code, account number, or personal identification
7 number or other means of access to a credit account or
8 deposit account, or a driver's license or State
9 identification card used to access a proprietary account,
10 other than access originated solely by a paper instrument,
11 that can be used alone or in conjunction with another
12 access device, for any of the following purposes:

13 (A) Obtaining money, cash refund or credit
14 account, credit, goods, services, or any other thing of
15 value.

16 (B) Certifying or guaranteeing to a person or
17 business the availability to the device holder of funds
18 on deposit to honor a draft or check payable to the
19 order of that person or business.

20 (C) Providing the device holder access to a deposit
21 account for the purpose of making deposits,
22 withdrawing funds, transferring funds between deposit
23 accounts, obtaining information pertaining to a
24 deposit account, or making an electronic funds
25 transfer.

26 "Full retail value" means the merchant's stated or

1 advertised price of the merchandise. "Full retail value"
2 includes the aggregate value of property obtained from retail
3 thefts committed by the same person as part of a continuing
4 course of conduct from one or more mercantile establishments in
5 a single transaction or in separate transactions over a period
6 of one year.

7 "Internet" means an interactive computer service or system
8 or an information service, system, or access software provider
9 that provides or enables computer access by multiple users to a
10 computer server, and includes, but is not limited to, an
11 information service, system, or access software provider that
12 provides access to a network system commonly known as the
13 Internet, or any comparable system or service and also
14 includes, but is not limited to, a World Wide Web page,
15 newsgroup, message board, mailing list, or chat area on any
16 interactive computer service or system or other online service.

17 "Library card" means a card or plate issued by a library
18 facility for purposes of identifying the person to whom the
19 library card was issued as authorized to borrow library
20 material, subject to all limitations and conditions imposed on
21 the borrowing by the library facility issuing such card.

22 "Library facility" includes any public library or museum,
23 or any library or museum of an educational, historical or
24 eleemosynary institution, organization or society.

25 "Library material" includes any book, plate, picture,
26 photograph, engraving, painting, sculpture, statue, artifact,

1 drawing, map, newspaper, pamphlet, broadside, magazine,
2 manuscript, document, letter, microfilm, sound recording,
3 audiovisual material, magnetic or other tape, electronic data
4 processing record or other documentary, written or printed
5 material regardless of physical form or characteristics, or any
6 part thereof, belonging to, or on loan to or otherwise in the
7 custody of a library facility.

8 "Manufacture or assembly of an unlawful access device"
9 means to make, produce or assemble an unlawful access device or
10 to modify, alter, program or re-program any instrument, device,
11 machine, equipment or software so that it is capable of
12 defeating or circumventing any technology, device or software
13 used by the provider, owner or licensee of a communication
14 service or of any data, audio or video programs or
15 transmissions to protect any such communication, data, audio or
16 video services, programs or transmissions from unauthorized
17 access, acquisition, disclosure, receipt, decryption,
18 communication, transmission or re-transmission.

19 "Manufacture or assembly of an unlawful communication
20 device" means to make, produce or assemble an unlawful
21 communication or wireless device or to modify, alter, program
22 or reprogram a communication or wireless device to be capable
23 of acquiring, disrupting, receiving, transmitting, decrypting,
24 or facilitating the acquisition, disruption, receipt,
25 transmission or decryption of, a communication service without
26 the express consent or express authorization of the

1 communication service provider, or to knowingly assist others
2 in those activities.

3 "Master sound recording" means the original physical
4 object on which a given set of sounds were first recorded and
5 which the original object from which all subsequent sound
6 recordings embodying the same set of sounds are directly or
7 indirectly derived.

8 "Merchandise" means any item of tangible personal
9 property, including motor fuel.

10 "Merchant" means an owner or operator of any retail
11 mercantile establishment or any agent, employee, lessee,
12 consignee, officer, director, franchisee, or independent
13 contractor of the owner or operator. "Merchant" also means a
14 person who receives from an authorized user of a payment card,
15 or someone the person believes to be an authorized user, a
16 payment card or information from a payment card, or what the
17 person believes to be a payment card or information from a
18 payment card, as the instrument for obtaining, purchasing or
19 receiving goods, services, money, or anything else of value
20 from the person.

21 "Motor fuel" means a liquid, regardless of its properties,
22 used to propel a vehicle, including gasoline and diesel.

23 "Online" means the use of any electronic or wireless device
24 to access the Internet.

25 "Payment card" means a credit card, charge card, debit
26 card, or any other card that is issued to an authorized card

1 user and that allows the user to obtain, purchase, or receive
2 goods, services, money, or anything else of value from a
3 merchant.

4 "Person with a disability" means a person who suffers from
5 a physical or mental impairment resulting from disease, injury,
6 functional disorder or congenital condition that impairs the
7 individual's mental or physical ability to independently
8 manage his or her property or financial resources, or both.

9 "Personal identification document" means a birth
10 certificate, a drivers license, a State identification card, a
11 public, government, or private employment identification card,
12 a social security card, a firearm owner's identification card,
13 a credit card, a debit card, or a passport issued to or on
14 behalf of a person other than the offender, or any document
15 made or issued, or falsely purported to have been made or
16 issued, by or under the authority of the United States
17 Government, the State of Illinois, or any other state political
18 subdivision of any state, or any other governmental or
19 quasi-governmental organization that is of a type intended for
20 the purpose of identification of an individual, or any such
21 document made or altered in a manner that it falsely purports
22 to have been made on behalf of or issued to another person or
23 by the authority of one who did not give that authority.

24 "Personal identifying information" means any of the
25 following information:

26 (1) A person's name.

1 (2) A person's address.

2 (3) A person's date of birth.

3 (4) A person's telephone number.

4 (5) A person's drivers license number or State of
5 Illinois identification card as assigned by the Secretary
6 of State of the State of Illinois or a similar agency of
7 another state.

8 (6) A person's social security number.

9 (7) A person's public, private, or government
10 employer, place of employment, or employment
11 identification number.

12 (8) The maiden name of a person's mother.

13 (9) The number assigned to a person's depository
14 account, savings account, or brokerage account.

15 (10) The number assigned to a person's credit or debit
16 card, commonly known as a "Visa Card", "Master Card",
17 "American Express Card", "Discover Card", or other similar
18 cards whether issued by a financial institution,
19 corporation, or business entity.

20 (11) Personal identification numbers.

21 (12) Electronic identification numbers.

22 (13) Digital signals.

23 (14) User names, passwords, and any other word, number,
24 character or combination of the same usable in whole or
25 part to access information relating to a specific
26 individual, or to the actions taken, communications made or

1 received, or other activities or transactions of a specific
2 individual.

3 (15) Any other numbers or information which can be used
4 to access a person's financial resources, or to identify a
5 specific individual, or the actions taken, communications
6 made or received, or other activities or transactions of a
7 specific individual.

8 "Premises of a retail mercantile establishment" includes,
9 but is not limited to, the retail mercantile establishment; any
10 common use areas in shopping centers; and all parking areas set
11 aside by a merchant or on behalf of a merchant for the parking
12 of vehicles for the convenience of the patrons of such retail
13 mercantile establishment.

14 "Public water, gas, or power supply, or other public
15 services" mean any service subject to regulation by the
16 Illinois Commerce Commission; any service furnished by a public
17 utility that is owned and operated by any political
18 subdivision, public institution of higher education or
19 municipal corporation of this State; any service furnished by
20 any public utility that is owned by such political subdivision,
21 public institution of higher education, or municipal
22 corporation and operated by any of its lessees or operating
23 agents; any service furnished by an electric cooperative as
24 defined in Section 3.4 of the Electric Supplier Act; or
25 wireless service or other service regulated by the Federal
26 Communications Commission.

1 "Publish" means to communicate or disseminate information
2 to any one or more persons, either orally, in person, or by
3 telephone, radio or television or in writing of any kind,
4 including, without limitation, a letter or memorandum,
5 circular or handbill, newspaper or magazine article or book.

6 "Reencoder" means an electronic device that places encoded
7 information from the magnetic strip or stripe of a payment card
8 onto the magnetic strip or stripe of a different payment card.

9 "Retail mercantile establishment" means any place where
10 merchandise is displayed, held, stored or offered for sale to
11 the public.

12 "Scanning device" means a scanner, reader, or any other
13 electronic device that is used to access, read, scan, obtain,
14 memorize, or store, temporarily or permanently, information
15 encoded on the magnetic strip or stripe of a payment card.

16 "Shopping cart" means those push carts of the type or types
17 which are commonly provided by grocery stores, drug stores or
18 other retail mercantile establishments for the use of the
19 public in transporting commodities in stores and markets and,
20 incidentally, from the stores to a place outside the store.

21 "Sound or audio visual recording" means any sound or audio
22 visual phonograph record, disc, pre-recorded tape, film, wire,
23 magnetic tape or other object, device or medium, now known or
24 hereafter invented, by which sounds or images may be reproduced
25 with or without the use of any additional machine, equipment or
26 device.

1 "Theft detection device remover" means any tool or device
2 specifically designed and intended to be used to remove any
3 theft detection device from any merchandise.

4 "Under-ring" means to cause the cash register or other
5 sales recording device to reflect less than the full retail
6 value of the merchandise.

7 "Unidentified sound or audio visual recording" means a
8 sound or audio visual recording without the actual name and
9 full and correct street address of the manufacturer, and the
10 name of the actual performers or groups prominently and legibly
11 printed on the outside cover or jacket and on the label of such
12 sound or audio visual recording.

13 "Unlawful access device" means any type of instrument,
14 device, machine, equipment, technology, or software which is
15 primarily possessed, used, designed, assembled, manufactured,
16 sold, distributed or offered, promoted or advertised for the
17 purpose of defeating or circumventing any technology, device or
18 software, or any component or part thereof, used by the
19 provider, owner or licensee of any communication service or of
20 any data, audio or video programs or transmissions to protect
21 any such communication, audio or video services, programs or
22 transmissions from unauthorized access, acquisition, receipt,
23 decryption, disclosure, communication, transmission or
24 re-transmission.

25 "Unlawful communication device" means any electronic
26 serial number, mobile identification number, personal

1 identification number or any communication or wireless device
2 that is capable of acquiring or facilitating the acquisition of
3 a communication service without the express consent or express
4 authorization of the communication service provider, or that
5 has been altered, modified, programmed or reprogrammed, alone
6 or in conjunction with another communication or wireless device
7 or other equipment, to so acquire or facilitate the
8 unauthorized acquisition of a communication service. "Unlawful
9 communication device" also means:

10 (1) any phone altered to obtain service without the
11 express consent or express authorization of the
12 communication service provider, tumbler phone, counterfeit
13 or clone phone, tumbler microchip, counterfeit or clone
14 microchip, scanning receiver of wireless communication
15 service or other instrument capable of disguising its
16 identity or location or of gaining unauthorized access to a
17 communications or wireless system operated by a
18 communication service provider; and

19 (2) any communication or wireless device which is
20 capable of, or has been altered, designed, modified,
21 programmed or reprogrammed, alone or in conjunction with
22 another communication or wireless device or devices, so as
23 to be capable of, facilitating the disruption,
24 acquisition, receipt, transmission or decryption of a
25 communication service without the express consent or
26 express authorization of the communication service

1 provider, including, but not limited to, any device,
2 technology, product, service, equipment, computer software
3 or component or part thereof, primarily distributed, sold,
4 designed, assembled, manufactured, modified, programmed,
5 reprogrammed or used for the purpose of providing the
6 unauthorized receipt of, transmission of, disruption of,
7 decryption of, access to or acquisition of any
8 communication service provided by any communication
9 service provider.

10 "Vehicle" means a motor vehicle, motorcycle, or farm
11 implement that is self-propelled and that uses motor fuel for
12 propulsion.

13 "Wireless device" includes any type of instrument, device,
14 machine, or equipment that is capable of transmitting or
15 receiving telephonic, electronic or radio communications, or
16 any part of such instrument, device, machine, or equipment, or
17 any computer circuit, computer chip, electronic mechanism, or
18 other component that is capable of facilitating the
19 transmission or reception of telephonic, electronic, or radio
20 communications.

21 (720 ILCS 5/Art. 16, Subdiv. 5 heading new)

22 SUBDIVISION 5. GENERAL THEFT

23 (720 ILCS 5/16-1) (from Ch. 38, par. 16-1)

24 (Text of Section after amendment by P.A. 96-1532)

1 Sec. 16-1. Theft.

2 (a) A person commits theft when he or she knowingly:

3 (1) Obtains or exerts unauthorized control over
4 property of the owner; or

5 (2) Obtains by deception control over property of the
6 owner; or

7 (3) Obtains by threat control over property of the
8 owner; or

9 (4) Obtains control over stolen property knowing the
10 property to have been stolen or under such circumstances as
11 would reasonably induce him or her to believe that the
12 property was stolen; or

13 (5) Obtains or exerts control over property in the
14 custody of any law enforcement agency which any law
15 enforcement officer or any individual acting in behalf of a
16 law enforcement agency explicitly represents to the person
17 as being stolen or represents to the person such
18 circumstances as would reasonably induce the person to
19 believe that the property was stolen, and

20 (A) Intends to deprive the owner permanently of the
21 use or benefit of the property; or

22 (B) Knowingly uses, conceals or abandons the
23 property in such manner as to deprive the owner
24 permanently of such use or benefit; or

25 (C) Uses, conceals, or abandons the property
26 knowing such use, concealment or abandonment probably

1 will deprive the owner permanently of such use or
2 benefit.

3 (b) Sentence.

4 (1) Theft of property not from the person and not
5 exceeding \$500 in value is a Class A misdemeanor.

6 (1.1) Theft of property not from the person and not
7 exceeding \$500 in value is a Class 4 felony if the theft
8 was committed in a school or place of worship or if the
9 theft was of governmental property.

10 (2) A person who has been convicted of theft of
11 property not from the person and not exceeding \$500 in
12 value who has been previously convicted of any type of
13 theft, robbery, armed robbery, burglary, residential
14 burglary, possession of burglary tools, home invasion,
15 forgery, a violation of Section 4-103, 4-103.1, 4-103.2, or
16 4-103.3 of the Illinois Vehicle Code relating to the
17 possession of a stolen or converted motor vehicle, or a
18 violation of Section 17-36 of the Criminal Code of 1961 or
19 Section 8 of the Illinois Credit Card and Debit Card Act is
20 guilty of a Class 4 felony. ~~When a person has any such~~
21 ~~prior conviction, the information or indictment charging~~
22 ~~that person shall state such prior conviction so as to give~~
23 ~~notice of the State's intention to treat the charge as a~~
24 ~~felony. The fact of such prior conviction is not an element~~
25 ~~of the offense and may not be disclosed to the jury during~~
26 ~~trial unless otherwise permitted by issues properly raised~~

1 ~~during such trial.~~

2 (3) (Blank).

3 (4) Theft of property from the person not exceeding
4 \$500 in value, or theft of property exceeding \$500 and not
5 exceeding \$10,000 in value, is a Class 3 felony.

6 (4.1) Theft of property from the person not exceeding
7 \$500 in value, or theft of property exceeding \$500 and not
8 exceeding \$10,000 in value, is a Class 2 felony if the
9 theft was committed in a school or place of worship or if
10 the theft was of governmental property.

11 (5) Theft of property exceeding \$10,000 and not
12 exceeding \$100,000 in value is a Class 2 felony.

13 (5.1) Theft of property exceeding \$10,000 and not
14 exceeding \$100,000 in value is a Class 1 felony if the
15 theft was committed in a school or place of worship or if
16 the theft was of governmental property.

17 (6) Theft of property exceeding \$100,000 and not
18 exceeding \$500,000 in value is a Class 1 felony.

19 (6.1) Theft of property exceeding \$100,000 in value is
20 a Class X felony if the theft was committed in a school or
21 place of worship or if the theft was of governmental
22 property.

23 (6.2) Theft of property exceeding \$500,000 and not
24 exceeding \$1,000,000 in value is a Class 1
25 non-probationable felony.

26 (6.3) Theft of property exceeding \$1,000,000 in value

1 is a Class X felony.

2 (7) Theft by deception, as described by paragraph (2)
3 of subsection (a) of this Section, in which the offender
4 obtained money or property valued at \$5,000 or more from a
5 victim 60 years of age or older is a Class 2 felony.

6 (8) Theft by deception, as described by paragraph (2)
7 of subsection (a) of this Section, in which the offender
8 falsely poses as a landlord or agent or employee of the
9 landlord and obtains a rent payment or a security deposit
10 from a tenant is a Class 3 felony if the rent payment or
11 security deposit obtained does not exceed \$500.

12 (9) Theft by deception, as described by paragraph (2)
13 of subsection (a) of this Section, in which the offender
14 falsely poses as a landlord or agent or employee of the
15 landlord and obtains a rent payment or a security deposit
16 from a tenant is a Class 2 felony if the rent payment or
17 security deposit obtained exceeds \$500 and does not exceed
18 \$10,000.

19 (10) Theft by deception, as described by paragraph (2)
20 of subsection (a) of this Section, in which the offender
21 falsely poses as a landlord or agent or employee of the
22 landlord and obtains a rent payment or a security deposit
23 from a tenant is a Class 1 felony if the rent payment or
24 security deposit obtained exceeds \$10,000 and does not
25 exceed \$100,000.

26 (11) Theft by deception, as described by paragraph (2)

1 of subsection (a) of this Section, in which the offender
2 falsely poses as a landlord or agent or employee of the
3 landlord and obtains a rent payment or a security deposit
4 from a tenant is a Class X felony if the rent payment or
5 security deposit obtained exceeds \$100,000.

6 (c) When a charge of theft of property exceeding a
7 specified value is brought, the value of the property involved
8 is an element of the offense to be resolved by the trier of
9 fact as either exceeding or not exceeding the specified value.

10 (d) Theft by lessee; permissive inference. The trier of
11 fact may infer evidence that a person intends to deprive the
12 owner permanently of the use or benefit of the property (1) if
13 a lessee of the personal property of another fails to return it
14 to the owner within 10 days after written demand from the owner
15 for its return or (2) if a lessee of the personal property of
16 another fails to return it to the owner within 24 hours after
17 written demand from the owner for its return and the lessee had
18 presented identification to the owner that contained a
19 materially fictitious name, address, or telephone number. A
20 notice in writing, given after the expiration of the leasing
21 agreement, addressed and mailed, by registered mail, to the
22 lessee at the address given by him and shown on the leasing
23 agreement shall constitute proper demand.

24 (e) Permissive inference; evidence of intent that a person
25 obtains by deception control over property. The trier of fact
26 may infer that a person "knowingly obtains by deception control

1 over property of the owner" when he or she fails to return,
2 within 45 days after written demand from the owner, the
3 downpayment and any additional payments accepted under a
4 promise, oral or in writing, to perform services for the owner
5 for consideration of \$3,000 or more, and the promisor knowingly
6 without good cause failed to substantially perform pursuant to
7 the agreement after taking a downpayment of 10% or more of the
8 agreed upon consideration. This provision shall not apply where
9 the owner initiated the suspension of performance under the
10 agreement, or where the promisor responds to the notice within
11 the 45-day notice period. A notice in writing, addressed and
12 mailed, by registered mail, to the promisor at the last known
13 address of the promisor, shall constitute proper demand.

14 (f) Offender's interest in the property.

15 (1) It is no defense to a charge of theft of property
16 that the offender has an interest therein, when the owner
17 also has an interest to which the offender is not entitled.

18 (2) Where the property involved is that of the
19 offender's spouse, no prosecution for theft may be
20 maintained unless the parties were not living together as
21 man and wife and were living in separate abodes at the time
22 of the alleged theft.

23 (Source: P.A. 96-496, eff. 1-1-10; 96-534, eff. 8-14-09;
24 96-1000, eff. 7-2-10; 96-1301, eff. 1-1-11; 96-1532, eff.
25 1-1-12; 96-1551, eff. 7-1-11; revised 4-22-11.)

1 (720 ILCS 5/16-2) (from Ch. 38, par. 16-2)

2 Sec. 16-2. Theft of lost or mislaid property.

3 A person commits theft of ~~who obtains control over~~ lost or
4 mislaid property ~~commits theft~~ when he or she obtains control
5 over the property and:

6 (a) Knows or learns the identity of the owner or knows, or
7 is aware of, or learns of a reasonable method of identifying
8 the owner, and

9 (b) Fails to take reasonable measures to restore the
10 property to the owner, and

11 (c) Intends to deprive the owner permanently of the use or
12 benefit of the property.

13 (d) Sentence.

14 Theft of lost or mislaid property where:

15 (1) the value does not exceed \$500 is a Class B
16 misdemeanor;

17 (2) the value exceeds \$500 but does not exceed \$10,000
18 is a Class A misdemeanor; and

19 (3) the value exceeds \$10,000 is a Class 4 felony ~~is a~~
20 ~~petty offense.~~

21 (Source: P.A. 78-255.)

22 (720 ILCS 5/16-3) (from Ch. 38, par. 16-3)

23 Sec. 16-3. Theft of labor or services or use of property.

24 (a) A person commits theft when he or she knowingly obtains
25 the temporary use of property, labor or services of another

1 which are available only for hire, by means of threat or
2 deception or knowing that such use is without the consent of
3 the person providing the property, labor or services. For the
4 purposes of this subsection, library material is available for
5 hire.

6 (b) A person commits theft when after renting or leasing a
7 motor vehicle, obtaining a motor vehicle through a "driveaway"
8 service mode of transportation or renting or leasing any other
9 type of personal property exceeding \$500 in value, under an
10 agreement in writing which provides for the return of the
11 vehicle or other personal property to a particular place at a
12 particular time, he or she without good cause knowingly
13 ~~wilfully~~ fails to return the vehicle or other personal property
14 to that place within the time specified, and is thereafter
15 served or sent a written demand mailed to the last known
16 address, made by certified mail return receipt requested, to
17 return such vehicle or other personal property within 3 days
18 from the mailing of the written demand, and who without good
19 cause knowingly ~~wilfully~~ fails to return the vehicle or any
20 other personal property to any place of business of the lessor
21 within such period.

22 (c) A person commits theft when he or she borrows from a
23 library facility library material which has an aggregate value
24 of \$50 or more pursuant to an agreement with or procedure
25 established by the library facility for the return of such
26 library material, and knowingly without good cause fails to

1 return the library material so borrowed in accordance with such
2 agreement or procedure, and further knowingly without good
3 cause fails to return such library material within 30 days
4 after receiving written notice by certified mail from the
5 library facility demanding the return of such library material.

6 (d) ~~(e)~~ Sentence.

7 A person convicted of theft under subsection (a) ~~of this~~
8 ~~Section~~ is guilty of a Class A misdemeanor, except that the
9 theft of library material where the aggregate value exceeds
10 \$300 is a Class 3 felony. A person convicted of theft under
11 subsection (b) of this Section is guilty of a Class 4 felony. A
12 person convicted of theft under subsection (c) is guilty of a
13 petty offense for which the offender may be fined an amount not
14 to exceed \$500 and shall be ordered to reimburse the library
15 for postage costs, attorney's fees, and actual replacement
16 costs of the materials not returned, except that theft under
17 subsection (c) where the aggregate value exceeds \$300 is a
18 Class 3 felony.

19 For the purpose of sentencing on theft of library material,
20 separate transactions totalling more than \$300 within a 90 day
21 period shall constitute a single offense.

22 (Source: P.A. 84-800.)

23 (720 ILCS 5/16-5) (from Ch. 38, par. 16-5)

24 Sec. 16-5. Theft from coin-operated machine ~~machines~~.

25 (a) A person commits theft from a coin-operated machine

1 when he or she knowingly and without authority ~~and with intent~~
2 ~~to commit a theft from such machine~~ opens, breaks into, tampers
3 with, triggers, or damages a coin-operated machine either:

4 (1) to operate or use the machine; or

5 (2) with the intent to commit a theft from the machine.

6 ~~(b) As used in this Section, the term "coin operated~~
7 ~~machine" shall include any automatic vending machine or any~~
8 ~~part thereof, parking meter, coin telephone, coin laundry~~
9 ~~machine, coin dry cleaning machine, amusement machine, music~~
10 ~~machine, vending machine dispensing goods or services, or money~~
11 ~~ehanger.~~

12 (b) ~~(e)~~ Sentence.

13 (1) A violation of subdivision (a)(1) is a Class B
14 misdemeanor.

15 (2) A violation of subdivision (a)(2) is ~~A person~~
16 ~~convicted of theft from a coin operated machine shall be~~
17 ~~guilty of~~ a Class A misdemeanor.

18 (3) A person who has been convicted of theft from a
19 coin-operated machine in violation of subdivision (a)(2)
20 and who has been previously convicted of any type of theft,
21 robbery, armed robbery, burglary, residential burglary,
22 possession of burglary tools, or home invasion is guilty of
23 a Class 4 felony. ~~When a person has any such prior~~
24 ~~conviction, the information or indictment charging that~~
25 ~~person shall state such prior conviction so as to give~~
26 ~~notice of the State's intention to treat the charge as a~~

1 ~~felony. The fact of such prior conviction is not an element~~
2 ~~of the offense and may not be disclosed to the jury during~~
3 ~~trial unless otherwise permitted by issues properly raised~~
4 ~~during such trial.~~

5 (Source: P.A. 90-655, eff. 7-30-98.)

6 (720 ILCS 5/16-6) (from Ch. 38, par. 16-6)

7 Sec. 16-6. Theft-related devices ~~Coin operated machines,~~
8 ~~possession of a key or device.~~

9 (a) (1) A person commits unlawful possession of a key or
10 device for a coin-operated machine when he or she who possesses
11 a key, ~~a tool, an instrument, an explosive, a device, a~~
12 ~~substance, or a drawing, print, or mold of a key, a tool, an~~
13 ~~instrument, an explosive, a device, or a substance designed to~~
14 open, break into, tamper with, or damage a coin-operated
15 machine ~~as defined in paragraph (b) of Section 16-5 of this~~
16 ~~Act, with intent to commit a theft from the machine, is guilty~~
17 ~~of a Class A misdemeanor.~~

18 (2) A person commits unlawful use of a key or device for a
19 coin-operated machine when he or she using any of the devices
20 ~~or substances listed in this subsection (a) with the intent to~~
21 commit a theft from a coin-operated machine uses a key,
22 drawing, print, mold of a key, device, or substance and ~~who~~
23 causes damage or loss to the coin-operated machine of more than
24 \$300 ~~is guilty of a Class 4 felony.~~

25 (b) (1) A person commits unlawful use of a theft detection

1 shielding device when he or she knowingly manufactures, sells,
2 offers for sale or distributes any theft detection shielding
3 device.

4 (2) A person commits unlawful possession of a theft
5 detection shielding device when he or she knowingly possesses a
6 theft detection shielding device with the intent to commit
7 theft or retail theft.

8 (3) A person commits unlawful possession of a theft
9 detection device remover when he or she knowingly possesses a
10 theft detection device remover with the intent to use such tool
11 to remove any theft detection device from any merchandise
12 without the permission of the merchant or person owning or
13 holding the merchandise.

14 (c) A person commits use of a scanning device or reencoder
15 to defraud when the person knowingly uses:

16 (1) a scanning device to access, read, obtain,
17 memorize, or store, temporarily or permanently,
18 information encoded on the magnetic strip or stripe of a
19 payment card without the permission of the authorized user
20 of the payment card and with the intent to defraud the
21 authorized user, the issuer of the authorized user's
22 payment card, or a merchant; or

23 (2) a reencoder to place information encoded on the
24 magnetic strip or stripe of a payment card onto the
25 magnetic strip or stripe of a different card without the
26 permission of the authorized user of the card from which

1 the information is being reencoded and with the intent to
2 defraud the authorized user, the issuer of the authorized
3 user's payment card, or a merchant.

4 (d) Sentence. A violation of subdivision (a)(1), (b)(1),
5 (b)(2), or (b)(3) is a Class A misdemeanor. A second or
6 subsequent violation of subdivision (b)(1), (b)(2), or (b)(3)
7 is a Class 4 felony. A violation of subdivision (a)(2), (c)(1),
8 or (c)(2) is a Class 4 felony. A second or subsequent violation
9 of subdivision (c)(1) or (c)(2) is a Class 3 felony.

10 (e) ~~(b)~~ The owner of a coin-operated machine may maintain a
11 civil cause of action against a person engaged in the
12 activities covered in subdivision (a)(1) and (a)(2) ~~this~~
13 ~~Section~~ and may recover treble actual damages, reasonable
14 attorney's fees, and costs.

15 (f) ~~(e)~~ As used in this Section, "substance" means a
16 corrosive or acidic liquid or solid but does not include items
17 purchased through a coin-operated machine at the location or
18 acquired as condiments at the location of the coin-operated
19 machine.

20 (g) For the purposes of this Section, "theft detection
21 shielding device" means any laminated or coated bag or device
22 peculiar to and marketed for shielding and intended to shield
23 merchandise from detection by an electronic or magnetic theft
24 alarm sensor.

25 (Source: P.A. 89-32, eff. 1-1-96.)

1 (720 ILCS 5/16-7) (from Ch. 38, par. 16-7)

2 Sec. 16-7. Unlawful use of recorded sounds or images.

3 (a) A person commits unlawful use of recorded sounds or
4 images when he or she knowingly or recklessly:

5 (1) ~~Intentionally, knowingly or recklessly~~ transfers
6 or causes to be transferred without the consent of the
7 owner, any sounds or images recorded on any sound or audio
8 visual recording with the intent ~~purpose~~ of selling or
9 causing to be sold, or using or causing to be used for
10 profit the article to which such sounds or recordings of
11 sound are transferred;~~;~~

12 (2) ~~Intentionally, knowingly or recklessly~~ sells,
13 offers for sale, advertises for sale, uses or causes to be
14 used for profit any such article described in subdivision
15 (a) (1) ~~subsection 16-7(a)(1)~~ without consent of the
16 owner;~~;~~

17 (3) ~~Intentionally, knowingly or recklessly~~ offers or
18 makes available for a fee, rental or any other form of
19 compensation, directly or indirectly, any equipment or
20 machinery for the purpose of use by another to reproduce or
21 transfer, without the consent of the owner, any sounds or
22 images recorded on any sound or audio visual recording to
23 another sound or audio visual recording or for the purpose
24 of use by another to manufacture any sound or audio visual
25 recording in violation of subsection (b); ~~or Section 16-8.~~

26 (4) ~~Intentionally, knowingly or recklessly~~ transfers

1 or causes to be transferred without the consent of the
2 owner, any live performance with the intent ~~purpose~~ of
3 selling or causing to be sold, or using or causing to be
4 used for profit the sound or audio visual recording to
5 which the performance is transferred.

6 (b) A person commits unlawful use of unidentified sound or
7 audio visual recordings when he or she knowingly, recklessly,
8 or negligently for profit manufacturers, sells, distributes,
9 vends, circulates, performs, leases, possesses, or otherwise
10 deals in and with unidentified sound or audio visual recordings
11 or causes the manufacture, sale, distribution, vending,
12 circulation, performance, lease, or other dealing in and with
13 unidentified sound or audio visual recordings.

14 (c) For the purposes of this Section, "owner" means the
15 person who owns the master sound recording on which sound is
16 recorded and from which the transferred recorded sounds are
17 directly or indirectly derived, or the person who owns the
18 rights to record or authorize the recording of a live
19 performance.

20 For the purposes of this Section, "manufacturer" means the
21 person who actually makes or causes to be made a sound or audio
22 visual recording. "Manufacturer" does not include a person who
23 manufactures the medium upon which sounds or visual images can
24 be recorded or stored, or who manufactures the cartridge or
25 casing itself.

26 ~~(b) As used in this Section and Section 16-8-~~

1 ~~(1) "Person" means any individual, partnership,~~
2 ~~corporation, association or other entity.~~

3 ~~(2) "Owner" means the person who owns the master sound~~
4 ~~recording on which sound is recorded and from which the~~
5 ~~transferred recorded sounds are directly or indirectly~~
6 ~~derived, or the person who owns the rights to record or~~
7 ~~authorize the recording of a live performance.~~

8 ~~(3) "Sound or audio visual recording" means any sound~~
9 ~~or audio visual phonograph record, disc, pre recorded tape,~~
10 ~~film, wire, magnetic tape or other object, device or medium,~~
11 ~~now known or hereafter invented, by which sounds or images may~~
12 ~~be reproduced with or without the use of any additional~~
13 ~~machine, equipment or device.~~

14 ~~(4) "Master sound recording" means the original~~
15 ~~physical object on which a given set of sounds were first~~
16 ~~recorded and which the original object from which all~~
17 ~~subsequent sound recordings embodying the same set of sounds~~
18 ~~are directly or indirectly derived.~~

19 ~~(5) "Unidentified sound or audio visual recording"~~
20 ~~means a sound or audio visual recording without the actual name~~
21 ~~and full and correct street address of the manufacturer, and~~
22 ~~the name of the actual performers or groups prominently and~~
23 ~~legibly printed on the outside cover or jacket and on the label~~
24 ~~of such sound or audio visual recording.~~

25 ~~(6) "Manufacturer" means the person who actually makes~~
26 ~~or causes to be made a sound or audio visual recording. The~~

1 ~~term manufacturer does not include a person who manufactures~~
2 ~~the medium upon which sounds or visual images can be recorded~~
3 ~~or stored, or who manufactures the cartridge or casing itself.~~

4 (d) Sentence. ~~(e)~~ Unlawful use of recorded sounds or images
5 or unidentified sound or audio visual recordings is a Class 4
6 felony; however:

7 (1) If the offense involves more than 100 but not
8 exceeding 1000 unidentified sound recordings or more than 7
9 but not exceeding 65 unidentified audio visual recordings
10 during any 180 day period the authorized fine is up to
11 \$100,000; and

12 (2) If the offense involves more than 1,000
13 unidentified sound recordings or more than 65 unidentified
14 audio visual recordings during any 180 day period the
15 authorized fine is up to \$250,000.

16 (e) Upon conviction of any violation of subsection (b), the
17 offender shall be sentenced to make restitution to any owner or
18 lawful producer of a master sound or audio visual recording, or
19 to the trade association representing such owner or lawful
20 producer, that has suffered injury resulting from the crime.
21 The order of restitution shall be based on the aggregate
22 wholesale value of lawfully manufactured and authorized sound
23 or audio visual recordings corresponding to the non-conforming
24 recorded devices involved in the offense, and shall include
25 investigative costs relating to the offense.

26 (f) Subsection (a) of this ~~(d)~~ This Section shall neither

1 enlarge nor diminish the rights of parties in private
2 litigation.

3 (g) Subsection (a) of this ~~(e) This~~ Section does not apply
4 to any person engaged in the business of radio or television
5 broadcasting who transfers, or causes to be transferred, any
6 sounds (other than from the sound track of a motion picture)
7 solely for the purpose of broadcast transmission.

8 ~~(f) If any provision or item of this Section or the~~
9 ~~application thereof is held invalid, such invalidity shall not~~
10 ~~affect other provisions, items or applications of this Section~~
11 ~~which can be given effect without the invalid provisions, items~~
12 ~~or applications and to this end the provisions of this Section~~
13 ~~are hereby declared severable.~~

14 (h) (g) Each ~~and every~~ individual manufacture,
15 distribution or sale or transfer for a consideration of such
16 recorded devices in contravention of subsection (a) of this
17 Section constitutes a separate violation of this Section. Each
18 individual manufacture, sale, distribution, vending,
19 circulation, performance, lease, possession, or other dealing
20 in and with an unidentified sound or audio visual recording
21 under subsection (b) of this Section constitutes a separate
22 violation of this Section.

23 (i) (h) Any sound or audio visual recordings containing
24 transferred sounds or a performance whose transfer was not
25 authorized by the owner of the master sound recording or
26 performance, or any unidentified sound or audio visual

1 recording used, in violation of this Section, or in the attempt
2 to commit such violation as defined in Section 8-4, or in a
3 conspiracy to commit such violation as defined in Section 8-2,
4 or in a solicitation to commit such offense as defined in
5 Section 8-1, may be confiscated and destroyed upon conclusion
6 of the case or cases to which they are relevant, except that
7 the court ~~Court~~ may enter an order preserving them as evidence
8 for use in other cases or pending the final determination of an
9 appeal.

10 (j) ~~(i)~~ It is an affirmative defense to any charge of
11 unlawful use of recorded sounds or images that the recorded
12 sounds or images so used are public domain material. For
13 purposes of this Section, recorded sounds are deemed to be in
14 the public domain if the recorded sounds were copyrighted
15 pursuant to the copyright laws of the United States, as the
16 same may be amended from time to time, and the term of the
17 copyright and any extensions or renewals thereof has expired.

18 (Source: P.A. 95-485, eff. 1-1-08.)

19 (720 ILCS 5/16-14) (from Ch. 38, par. 16-14)

20 Sec. 16-14. Theft of utility services.

21 (a) A person commits theft of ~~the offense of unlawful~~
22 ~~interference with public~~ utility services when he or she
23 knowingly, without authority, diverts or interferes with ~~the~~
24 ~~consent of the owner of the services, impairs or interrupts~~ any
25 public water, gas, ~~or~~ power supply, ~~telecommunications~~

1 ~~service, wireless service,~~ or other public services, ~~or~~
2 ~~diverts, or causes to be diverted in whole or in part, any~~
3 ~~public water, gas, or power supply, telecommunications~~
4 ~~service, wireless service, or other public services,~~ or
5 installs ~~or removes~~ any device with the intent to divert or
6 interfere with any public water, gas, power supply, or other
7 public services without the authority of the owner or entity
8 furnishing or transmitting such product or for the purpose of
9 ~~such diversion, or knowingly delays restoration of such public~~
10 ~~services, as a result of the person's theft of wire used for~~
11 ~~such services.~~

12 ~~(b) The terms "public water, gas, or power supply, or other~~
13 ~~public services" mean any service subject to regulation by the~~
14 ~~Illinois Commerce Commission; any service furnished by a public~~
15 ~~utility that is owned and operated by any political~~
16 ~~subdivision, public institution of higher education or~~
17 ~~municipal corporation of this State; any service furnished by~~
18 ~~any public utility that is owned by such political subdivision,~~
19 ~~public institution of higher education, or municipal~~
20 ~~corporation and operated by any of its lessees or operating~~
21 ~~agents; any service furnished by an electric cooperative as~~
22 ~~defined in Section 3.4 of the Electric Supplier Act; or~~
23 ~~wireless service or other service regulated by the Federal~~
24 ~~Communications Commission.~~

25 ~~(c) Any instrument, apparatus, or device used in obtaining~~
26 ~~utility services without paying the full charge therefore or~~

1 ~~any meter that has been altered, tampered with, or bypassed so~~
2 ~~as to cause a lack of measurement or inaccurate measurement of~~
3 ~~utility services on premises controlled by the customer or by~~
4 ~~the person using or receiving the direct benefit of utility~~
5 ~~service at that location shall raise a rebuttable presumption~~
6 ~~of the commission of the offense described in subparagraph (a)~~
7 ~~by such person.~~

8 (b) Sentence. ~~(d)~~ (1) Except as provided in paragraph (3),
9 a violation of this Section is ~~A person convicted of unlawful~~
10 ~~interference with public utility services is guilty of a Class~~
11 ~~A~~ misdemeanor unless the offense was committed for
12 remuneration, in which case it is a Class 4 felony.

13 (2) Except as provided in paragraph (3), a second or
14 subsequent violation of this Section is ~~After a first~~
15 ~~conviction of unlawful interference with public utility~~
16 ~~services any subsequent conviction shall be~~ a Class 4 felony.

17 (3) If the offense causes disruption of the public utility
18 services or ~~the~~ delay in the restoration of the public utility
19 services ~~occurs~~ to 10 or more customers or affects an area of
20 more than one square mile, a violation of this Section ~~unlawful~~
21 ~~interference with public utility services~~ is a Class 2 felony.

22 (c) This Section does not apply to the theft of
23 telecommunication services.

24 (Source: P.A. 95-323, eff. 1-1-08.)

1 Sec. 16-17. Theft of advertising services.

2 ~~(a) In this Section, "unauthorized advertisement" means~~
3 ~~any form of representation or communication, including any~~
4 ~~handbill, newsletter, pamphlet, or notice that contains any~~
5 ~~letters, words, or pictorial representation that is attached to~~
6 ~~or inserted in a newspaper or periodical without a contractual~~
7 ~~agreement between the publisher and an advertiser.~~

8 (a) A ~~(b) Any~~ person commits theft of advertising services
9 when he or she ~~who~~ knowingly attaches or inserts an
10 unauthorized advertisement in a newspaper or periodical, and
11 ~~who~~ redistributes it to the public or ~~who~~ has the intent to
12 redistribute it to the public, ~~is guilty of the offense of~~
13 ~~theft of advertising services.~~

14 ~~(c) Sentence. Theft of advertising services is a Class A~~
15 ~~misdemeanor.~~

16 (b) ~~(d)~~ This Section applies to any newspaper or periodical
17 that is offered for retail sale or is distributed without
18 charge.

19 (c) ~~(e)~~ This Section does not apply if the publisher or
20 authorized distributor of the newspaper or periodical consents
21 to the attachment or insertion of the advertisement.

22 (d) In this Section, "unauthorized advertisement" means
23 any form of representation or communication, including any
24 handbill, newsletter, pamphlet, or notice that contains any
25 letters, words, or pictorial representation that is attached to
26 or inserted in a newspaper or periodical without a contractual

1 agreement between the publisher and an advertiser.

2 (e) Sentence. Theft of advertising services is a Class A
3 misdemeanor.

4 (Source: P.A. 92-428, eff. 8-17-01.)

5 (720 ILCS 5/16-18)

6 Sec. 16-18. Tampering with communication services; theft
7 of communication services ~~Unlawful communication and access~~
8 ~~devices; definitions.~~

9 (a) Injury to wires or obtaining service with intent to
10 defraud. A person commits injury to wires or obtaining service
11 with intent to defraud when he or she knowingly:

12 (1) displaces, removes, injures or destroys any
13 telegraph or telephone line, wire, cable, pole or conduit,
14 belonging to another, or the material or property
15 appurtenant thereto; or

16 (2) cuts, breaks, taps, or makes any connection with
17 any telegraph or telephone line, wire, cable or instrument
18 belonging to another; or

19 (3) reads, takes or copies any message, communication
20 or report intended for another passing over any such
21 telegraph line, wire or cable in this State; or

22 (4) prevents, obstructs or delays by any means or
23 contrivance whatsoever, the sending, transmission,
24 conveyance or delivery in this State of any message,
25 communication or report by or through any telegraph or

1 telephone line, wire or cable; or

2 (5) uses any apparatus to unlawfully do or cause to be
3 done any of the acts described in subdivisions (a)(1)
4 through (a)(4) of this Section; or

5 (6) obtains, or attempts to obtain, any
6 telecommunications service with the intent to deprive any
7 person of the lawful charge, in whole or in part, for any
8 telecommunications service:

9 (A) by charging such service to an existing
10 telephone number without the authority of the
11 subscriber thereto; or

12 (B) by charging such service to a nonexistent,
13 false, fictitious, or counterfeit telephone number or
14 to a suspended, terminated, expired, cancelled, or
15 revoked telephone number; or

16 (C) by use of a code, prearranged scheme, or other
17 similar stratagem or device whereby said person, in
18 effect, sends or receives information; or

19 (D) by publishing the number or code of an
20 existing, canceled, revoked or nonexistent telephone
21 number, credit number or other credit device or method
22 of numbering or coding which is employed in the
23 issuance of telephone numbers, credit numbers or other
24 credit devices which may be used to avoid the payment
25 of any lawful telephone toll charge; or

26 (E) by any other trick, stratagem, impersonation,

1 false pretense, false representation, false statement,
2 contrivance, device, or means.

3 (b) Theft of communication services. A person commits theft
4 of communication services when he or she knowingly:

5 (1) obtains or uses a communication service without the
6 authorization of, or compensation paid to, the
7 communication service provider;

8 (2) possesses, uses, manufactures, assembles,
9 distributes, leases, transfers, or sells, or offers,
10 promotes or advertises for sale, lease, use, or
11 distribution, an unlawful communication device:

12 (A) for the commission of a theft of a
13 communication service or to receive, disrupt,
14 transmit, decrypt, or acquire, or facilitate the
15 receipt, disruption, transmission, decryption or
16 acquisition, of any communication service without the
17 express consent or express authorization of the
18 communication service provider; or

19 (B) to conceal or to assist another to conceal from
20 any communication service provider or from any lawful
21 authority the existence or place of origin or
22 destination of any communication;

23 (3) modifies, alters, programs or reprograms a
24 communication device for the purposes described in
25 subdivision (2) (A) or (2) (B);

26 (4) possesses, uses, manufactures, assembles, leases,

1 distributes, sells, or transfers, or offers, promotes or
2 advertises for sale, use or distribution, any unlawful
3 access device; or

4 (5) possesses, uses, prepares, distributes, gives or
5 otherwise transfers to another or offers, promotes, or
6 advertises for sale, use or distribution, any:

7 (A) plans or instructions for making or assembling
8 an unlawful communication or access device, with the
9 intent to use or employ the unlawful communication or
10 access device, or to allow the same to be used or
11 employed, for a purpose prohibited by this subsection
12 (b), or knowing or having reason to know that the plans
13 or instructions are intended to be used for
14 manufacturing or assembling the unlawful communication
15 or access device for a purpose prohibited by this
16 subsection (b); or

17 (B) material, including hardware, cables, tools,
18 data, computer software or other information or
19 equipment, knowing that the purchaser or a third person
20 intends to use the material in the manufacture or
21 assembly of an unlawful communication or access device
22 for a purpose prohibited by this subsection (b).

23 (c) Sentence.

24 (1) A violation of subsection (a) is a Class A
25 misdemeanor; provided, however, that any of the following
26 is a Class 4 felony:

1 (A) a second or subsequent conviction for a
2 violation of subsection (a); or

3 (B) an offense committed for remuneration; or

4 (C) an offense involving damage or destruction of
5 property in an amount in excess of \$300 or defrauding
6 of services in excess of \$500.

7 (2) A violation of subsection (b) is a Class A
8 misdemeanor, except that:

9 (A) A violation of subsection (b) is a Class 4
10 felony if:

11 (i) the violation of subsection (b) involves
12 at least 10, but not more than 50, unlawful
13 communication or access devices; or

14 (ii) the defendant engages in conduct
15 identified in subdivision (b)(3) of this Section
16 with the intention of substantially disrupting and
17 impairing the ability of a communication service
18 provider to deliver communication services to its
19 lawful customers or subscribers; or

20 (iii) the defendant at the time of the
21 commission of the offense is a pre-trial detainee
22 at a penal institution or is serving a sentence at
23 a penal institution; or

24 (iv) the defendant at the time of the
25 commission of the offense is a pre-trial detainee
26 at a penal institution or is serving a sentence at

1 a penal institution and uses any means of
2 electronic communication as defined in the
3 Harassing and Obscene Communications Act for
4 fraud, theft, theft by deception, identity theft,
5 or any other unlawful purpose; or

6 (v) the aggregate value of the service
7 obtained is \$300 or more; or

8 (vi) the violation is for a wired
9 communication service or device and the defendant
10 has been convicted previously for an offense under
11 subsection (b) or for any other type of theft,
12 robbery, armed robbery, burglary, residential
13 burglary, possession of burglary tools, home
14 invasion, or fraud, including violations of the
15 Cable Communications Policy Act of 1984 in this or
16 any federal or other state jurisdiction.

17 (B) A violation of subsection (b) is a Class 3
18 felony if:

19 (i) the violation of subsection (b) involves
20 more than 50 unlawful communication or access
21 devices; or

22 (ii) the defendant at the time of the
23 commission of the offense is a pre-trial detainee
24 at a penal institution or is serving a sentence at
25 a penal institution and has been convicted
26 previously of an offense under subsection (b)

1 committed by the defendant while serving as a
2 pre-trial detainee in a penal institution or while
3 serving a sentence at a penal institution; or

4 (iii) the defendant at the time of the
5 commission of the offense is a pre-trial detainee
6 at a penal institution or is serving a sentence at
7 a penal institution and has been convicted
8 previously of an offense under subsection (b)
9 committed by the defendant while serving as a
10 pre-trial detainee in a penal institution or while
11 serving a sentence at a penal institution and uses
12 any means of electronic communication as defined
13 in the Harassing and Obscene Communications Act
14 for fraud, theft, theft by deception, identity
15 theft, or any other unlawful purpose; or

16 (iv) the violation is for a wired
17 communication service or device and the defendant
18 has been convicted previously on 2 or more
19 occasions for offenses under subsection (b) or for
20 any other type of theft, robbery, armed robbery,
21 burglary, residential burglary, possession of
22 burglary tools, home invasion, or fraud, including
23 violations of the Cable Communications Policy Act
24 of 1984 in this or any federal or other state
25 jurisdiction.

26 (C) A violation of subsection (b) is a Class 2

1 felony if the violation is for a wireless communication
2 service or device and the defendant has been convicted
3 previously for an offense under subsection (b) or for
4 any other type of theft, robbery, armed robbery,
5 burglary, residential burglary, possession of burglary
6 tools, home invasion, or fraud, including violations
7 of the Cable Communications Policy Act of 1984 in this
8 or any federal or other state jurisdiction.

9 (3) Restitution. The court shall, in addition to any
10 other sentence authorized by law, sentence a person
11 convicted of violating subsection (b) to make restitution
12 in the manner provided in Article 5 of Chapter V of the
13 Unified Code of Corrections.

14 (d) Grading of offense based on prior convictions. For
15 purposes of grading an offense based upon a prior conviction
16 for an offense under subsection (b) or for any other type of
17 theft, robbery, armed robbery, burglary, residential burglary,
18 possession of burglary tools, home invasion, or fraud,
19 including violations of the Cable Communications Policy Act of
20 1984 in this or any federal or other state jurisdiction under
21 subdivisions (c)(2)(a)(i) and (c)(2)(b)(i) of this Section, a
22 prior conviction shall consist of convictions upon separate
23 indictments or criminal complaints for offenses under
24 subsection (b) or for any other type of theft, robbery, armed
25 robbery, burglary, residential burglary, possession of
26 burglary tools, home invasion, or fraud, including violations

1 of the Cable Communications Policy Act of 1984 in this or any
2 federal or other state jurisdiction.

3 (e) Separate offenses. For purposes of all criminal
4 penalties or fines established for violations of subsection
5 (b), the prohibited activity established in subsection (b) as
6 it applies to each unlawful communication or access device
7 shall be deemed a separate offense.

8 (f) Forfeiture of unlawful communication or access
9 devices. Upon conviction of a defendant under subsection (b),
10 the court may, in addition to any other sentence authorized by
11 law, direct that the defendant forfeit any unlawful
12 communication or access devices in the defendant's possession
13 or control which were involved in the violation for which the
14 defendant was convicted.

15 (g) Venue. An offense under subsection (b) may be deemed to
16 have been committed at either the place where the defendant
17 manufactured or assembled an unlawful communication or access
18 device, or assisted others in doing so, or the place where the
19 unlawful communication or access device was sold or delivered
20 to a purchaser or recipient. It is not a defense to a violation
21 of subsection (b) that some of the acts constituting the
22 offense occurred outside of the State of Illinois.

23 (h) Civil action. For purposes of subsection (b):

24 (1) Bringing a civil action. Any person aggrieved by a
25 violation may bring a civil action in any court of
26 competent jurisdiction.

1 (2) Powers of the court. The court may:

2 (A) grant preliminary and final injunctions to
3 prevent or restrain violations without a showing by the
4 plaintiff of special damages, irreparable harm or
5 inadequacy of other legal remedies;

6 (B) at any time while an action is pending, order
7 the impounding, on such terms as it deems reasonable,
8 of any unlawful communication or access device that is
9 in the custody or control of the violator and that the
10 court has reasonable cause to believe was involved in
11 the alleged violation;

12 (C) award damages as described in subdivision
13 (h) (3);

14 (D) award punitive damages;

15 (E) in its discretion, award reasonable attorney's
16 fees and costs, including, but not limited to, costs
17 for investigation, testing and expert witness fees, to
18 an aggrieved party who prevails; and

19 (F) as part of a final judgment or decree finding a
20 violation, order the remedial modification or
21 destruction of any unlawful communication or access
22 device involved in the violation that is in the custody
23 or control of the violator or has been impounded under
24 subdivision (h) (2) (B).

25 (3) Types of damages recoverable. Damages awarded by a
26 court under this Section shall be computed as either of the

1 following:

2 (A) Upon his or her election of such damages at any
3 time before final judgment is entered, the complaining
4 party may recover the actual damages suffered by him or
5 her as a result of the violation and any profits of the
6 violation that are attributable to the violation and are
7 not taken into account in computing the actual damages;
8 in determining the violator's profits, the complaining
9 party shall be required to prove only the violator's
10 gross revenue, and the violator shall be required to
11 prove his or her deductible expenses and the elements
12 of profit attributable to factors other than the
13 violation; or

14 (B) Upon election by the complaining party at any
15 time before final judgment is entered, that party may
16 recover in lieu of actual damages an award of statutory
17 damages of not less than \$250 and not more than \$10,000
18 for each unlawful communication or access device
19 involved in the action, with the amount of statutory
20 damages to be determined by the court, as the court
21 considers just. In any case, if the court finds that
22 any of the violations were committed with the intent to
23 obtain commercial advantage or private financial gain,
24 the court in its discretion may increase the award of
25 statutory damages by an amount of not more than \$50,000
26 for each unlawful communication or access device

1 involved in the action.

2 (4) Separate violations. For purposes of all civil
3 remedies established for violations, the prohibited
4 activity established in this Section applies to each
5 unlawful communication or access device and shall be deemed
6 a separate violation.

7 ~~As used in Sections 16-19, 16-20, and 16-21, unless the context~~
8 ~~otherwise indicates:~~

9 ~~"Communication device" means any type of instrument,~~
10 ~~device, machine, or equipment which is capable of transmitting,~~
11 ~~acquiring, decrypting, or receiving any telephonic,~~
12 ~~electronic, data, Internet access, audio, video, microwave, or~~
13 ~~radio transmissions, signals, communications, or services,~~
14 ~~including the receipt, acquisition, transmission, or~~
15 ~~decryption of all such communications, transmissions, signals,~~
16 ~~or services provided by or through any cable television, fiber~~
17 ~~optic, telephone, satellite, microwave, radio, Internet based,~~
18 ~~data transmission, or wireless distribution network, system or~~
19 ~~facility; or any part, accessory, or component thereof,~~
20 ~~including any computer circuit, security module, smart card,~~
21 ~~software, computer chip, electronic mechanism or other~~
22 ~~component, accessory or part of any communication device which~~
23 ~~is capable of facilitating the transmission, decryption,~~
24 ~~acquisition or reception of all such communications,~~
25 ~~transmissions, signals, or services.~~

26 ~~"Communication service" means any service lawfully~~

1 ~~provided for a charge or compensation to facilitate the lawful~~
2 ~~origination, transmission, emission, or reception of signs,~~
3 ~~signals, data, writings, images, and sounds or intelligence of~~
4 ~~any nature by telephone, including cellular telephones or a~~
5 ~~wire, wireless, radio, electromagnetic, photo electronic or~~
6 ~~photo optical system; and also any service lawfully provided by~~
7 ~~any radio, telephone, cable television, fiber optic,~~
8 ~~satellite, microwave, Internet based or wireless distribution~~
9 ~~network, system, facility or technology, including, but not~~
10 ~~limited to, any and all electronic, data, video, audio,~~
11 ~~Internet access, telephonic, microwave and radio~~
12 ~~communications, transmissions, signals and services, and any~~
13 ~~such communications, transmissions, signals and services~~
14 ~~lawfully provided directly or indirectly by or through any of~~
15 ~~those networks, systems, facilities or technologies.~~

16 ~~"Communication service provider" means: (1) any person or~~
17 ~~entity providing any communication service, whether directly~~
18 ~~or indirectly, as a reseller, including, but not limited to, a~~
19 ~~cellular, paging or other wireless communications company or~~
20 ~~other person or entity which, for a fee, supplies the facility,~~
21 ~~cell site, mobile telephone switching office or other equipment~~
22 ~~or communication service; (2) any person or entity owning or~~
23 ~~operating any cable television, fiber optic, satellite,~~
24 ~~telephone, wireless, microwave, radio, data transmission or~~
25 ~~Internet based distribution network, system or facility; and~~
26 ~~(3) any person or entity providing any communication service~~

1 ~~directly or indirectly by or through any such distribution~~
2 ~~system, network or facility.~~

3 ~~"Unlawful communication device" means any electronic~~
4 ~~serial number, mobile identification number, personal~~
5 ~~identification number or any communication device that is~~
6 ~~capable of acquiring or facilitating the acquisition of a~~
7 ~~communication service without the express consent or express~~
8 ~~authorization of the communication service provider, or that~~
9 ~~has been altered, modified, programmed or reprogrammed, alone~~
10 ~~or in conjunction with another communication device or other~~
11 ~~equipment, to so acquire or facilitate the unauthorized~~
12 ~~acquisition of a communication service. "Unlawful~~
13 ~~communication device" also means:~~

14 ~~(1) any phone altered to obtain service without the~~
15 ~~express consent or express authorization of the~~
16 ~~communication service provider, tumbler phone, counterfeit~~
17 ~~or clone phone, tumbler microchip, counterfeit or clone~~
18 ~~microchip or other instrument capable of disguising its~~
19 ~~identity or location or of gaining unauthorized access to a~~
20 ~~communications system operated by a communication service~~
21 ~~provider; and~~

22 ~~(2) any communication device which is capable of, or~~
23 ~~has been altered, designed, modified, programmed or~~
24 ~~reprogrammed, alone or in conjunction with another~~
25 ~~communication device or devices, so as to be capable of,~~
26 ~~facilitating the disruption, acquisition, receipt,~~

1 ~~transmission or decryption of a communication service~~
2 ~~without the express consent or express authorization of the~~
3 ~~communication service provider, including, but not limited~~
4 ~~to, any device, technology, product, service, equipment,~~
5 ~~computer software or component or part thereof, primarily~~
6 ~~distributed, sold, designed, assembled, manufactured,~~
7 ~~modified, programmed, reprogrammed or used for the purpose~~
8 ~~of providing the unauthorized receipt of, transmission of,~~
9 ~~disruption of, decryption of, access to or acquisition of~~
10 ~~any communication service provided by any communication~~
11 ~~service provider.~~

12 ~~"Manufacture or assembly of an unlawful communication~~
13 ~~device" means to make, produce or assemble an unlawful~~
14 ~~communication device or to modify, alter, program or reprogram~~
15 ~~a communication device to be capable of acquiring, disrupting,~~
16 ~~receiving, transmitting, decrypting, or facilitating the~~
17 ~~acquisition, disruption, receipt, transmission or decryption~~
18 ~~of, a communication service without the express consent or~~
19 ~~express authorization of the communication service provider,~~
20 ~~or to knowingly assist others in those activities.~~

21 ~~"Unlawful access device" means any type of instrument,~~
22 ~~device, machine, equipment, technology, or software which is~~
23 ~~primarily possessed, used, designed, assembled, manufactured,~~
24 ~~sold, distributed or offered, promoted or advertised for the~~
25 ~~purpose of defeating or circumventing any technology, device or~~
26 ~~software, or any component or part thereof, used by the~~

1 ~~provider, owner or licensee of any communication service or of~~
2 ~~any data, audio or video programs or transmissions to protect~~
3 ~~any such communication, audio or video services, programs or~~
4 ~~transmissions from unauthorized access, acquisition, receipt,~~
5 ~~decryption, disclosure, communication, transmission or~~
6 ~~re transmission.~~

7 ~~"Manufacture or assembly of an unlawful access device"~~
8 ~~means to make, produce or assemble an unlawful access device or~~
9 ~~to modify, alter, program or re program any instrument, device,~~
10 ~~machine, equipment or software so that it is capable of~~
11 ~~defeating or circumventing any technology, device or software~~
12 ~~used by the provider, owner or licensee of a communication~~
13 ~~service or of any data, audio or video programs or~~
14 ~~transmissions to protect any such communication, data, audio or~~
15 ~~video services, programs or transmissions from unauthorized~~
16 ~~access, acquisition, disclosure, receipt, decryption,~~
17 ~~communication, transmission or re transmission.~~

18 (Source: P.A. 92-728, eff. 1-1-03.)

19 (720 ILCS 5/Art. 16, Subdiv. 10 heading new)

20 SUBDIVISION 10. RETAIL THEFT

21 (720 ILCS 5/16-25 new)

22 Sec. 16-25. Retail theft.

23 (a) A person commits retail theft when he or she knowingly:

24 (1) Takes possession of, carries away, transfers or

1 causes to be carried away or transferred any merchandise
2 displayed, held, stored or offered for sale in a retail
3 mercantile establishment with the intention of retaining
4 such merchandise or with the intention of depriving the
5 merchant permanently of the possession, use or benefit of
6 such merchandise without paying the full retail value of
7 such merchandise; or

8 (2) Alters, transfers, or removes any label, price tag,
9 marking, indicia of value or any other markings which aid
10 in determining value affixed to any merchandise displayed,
11 held, stored or offered for sale in a retail mercantile
12 establishment and attempts to purchase such merchandise at
13 less than the full retail value with the intention of
14 depriving the merchant of the full retail value of such
15 merchandise; or

16 (3) Transfers any merchandise displayed, held, stored
17 or offered for sale in a retail mercantile establishment
18 from the container in or on which such merchandise is
19 displayed to any other container with the intention of
20 depriving the merchant of the full retail value of such
21 merchandise; or

22 (4) Under-rings with the intention of depriving the
23 merchant of the full retail value of the merchandise; or

24 (5) Removes a shopping cart from the premises of a
25 retail mercantile establishment without the consent of the
26 merchant given at the time of such removal with the

1 intention of depriving the merchant permanently of the
2 possession, use or benefit of such cart; or

3 (6) Represents to a merchant that he, she, or another
4 is the lawful owner of property, knowing that such
5 representation is false, and conveys or attempts to convey
6 that property to a merchant who is the owner of the
7 property in exchange for money, merchandise credit or other
8 property of the merchant; or

9 (7) Uses or possesses any theft detection shielding
10 device or theft detection device remover with the intention
11 of using such device to deprive the merchant permanently of
12 the possession, use or benefit of any merchandise
13 displayed, held, stored or offered for sale in a retail
14 mercantile establishment without paying the full retail
15 value of such merchandise; or

16 (8) Obtains or exerts unauthorized control over
17 property of the owner and thereby intends to deprive the
18 owner permanently of the use or benefit of the property
19 when a lessee of the personal property of another fails to
20 return it to the owner, or if the lessee fails to pay the
21 full retail value of such property to the lessor in
22 satisfaction of any contractual provision requiring such,
23 within 10 days after written demand from the owner for its
24 return. A notice in writing, given after the expiration of
25 the leasing agreement, by registered mail, to the lessee at
26 the address given by the lessee and shown on the leasing

1 agreement shall constitute proper demand.

2 (b) Theft by emergency exit. A person commits theft by
3 emergency exit when he or she commits a retail theft as defined
4 in subdivisions (a)(1) through (a)(8) of this Section and to
5 facilitate the theft he or she leaves the retail mercantile
6 establishment by use of a designated emergency exit.

7 (c) Permissive inference. If any person:

8 (1) conceals upon his or her person or among his or her
9 belongings unpurchased merchandise displayed, held, stored
10 or offered for sale in a retail mercantile establishment;
11 and

12 (2) removes that merchandise beyond the last known
13 station for receiving payments for that merchandise in that
14 retail mercantile establishment,
15 then the trier of fact may infer that the person possessed,
16 carried away or transferred such merchandise with the intention
17 of retaining it or with the intention of depriving the merchant
18 permanently of the possession, use or benefit of such
19 merchandise without paying the full retail value of such
20 merchandise.

21 To "conceal" merchandise means that, although there may be
22 some notice of its presence, that merchandise is not visible
23 through ordinary observation.

24 (d) Venue. Multiple thefts committed by the same person as
25 part of a continuing course of conduct in different
26 jurisdictions that have been aggregated in one jurisdiction may

1 be prosecuted in any jurisdiction in which one or more of the
2 thefts occurred.

3 (e) For the purposes of this Section, "theft detection
4 shielding device" means any laminated or coated bag or device
5 designed and intended to shield merchandise from detection by
6 an electronic or magnetic theft alarm sensor.

7 (f) Sentence.

8 (1) A violation of any of subdivisions (a)(1) through
9 (a)(6) and (a)(8) of this Section, the full retail value of
10 which does not exceed \$300 for property other than motor
11 fuel or \$150 for motor fuel, is a Class A misdemeanor. A
12 violation of subdivision (a)(7) of this Section is a Class
13 A misdemeanor for a first offense and a Class 4 felony for
14 a second or subsequent offense. Theft by emergency exit of
15 property, the full retail value of which does not exceed
16 \$300, is a Class 4 felony.

17 (2) A person who has been convicted of retail theft of
18 property under any of subdivisions (a)(1) through (a)(6)
19 and (a)(8) of this Section, the full retail value of which
20 does not exceed \$300 for property other than motor fuel or
21 \$150 for motor fuel, and who has been previously convicted
22 of any type of theft, robbery, armed robbery, burglary,
23 residential burglary, possession of burglary tools, home
24 invasion, unlawful use of a credit card, or forgery is
25 guilty of a Class 4 felony. A person who has been convicted
26 of theft by emergency exit of property, the full retail

1 value of which does not exceed \$300, and who has been
2 previously convicted of any type of theft, robbery, armed
3 robbery, burglary, residential burglary, possession of
4 burglary tools, home invasion, unlawful use of a credit
5 card, or forgery is guilty of a Class 3 felony.

6 (3) Any retail theft of property under any of
7 subdivisions (a)(1) through (a)(6) and (a)(8) of this
8 Section, the full retail value of which exceeds \$300 for
9 property other than motor fuel or \$150 for motor fuel in a
10 single transaction, or in separate transactions committed
11 by the same person as part of a continuing course of
12 conduct from one or more mercantile establishments over a
13 period of one year, is a Class 3 felony. Theft by emergency
14 exit of property, the full retail value of which exceeds
15 \$300 in a single transaction, or in separate transactions
16 committed by the same person as part of a continuing course
17 of conduct from one or more mercantile establishments over
18 a period of one year, is a Class 2 felony. When a charge of
19 retail theft of property or theft by emergency exit of
20 property, the full value of which exceeds \$300, is brought,
21 the value of the property involved is an element of the
22 offense to be resolved by the trier of fact as either
23 exceeding or not exceeding \$300.

24 (720 ILCS 5/16-26 new)

25 Sec. 16-26. Detention; affirmative defense.

1 (a) Detention. Any merchant who has reasonable grounds to
2 believe that a person has committed retail theft may detain the
3 person, on or off the premises of a retail mercantile
4 establishment, in a reasonable manner and for a reasonable
5 length of time for all or any of the following purposes:

6 (1) To request identification;

7 (2) To verify such identification;

8 (3) To make reasonable inquiry as to whether such
9 person has in his possession unpurchased merchandise and to
10 make reasonable investigation of the ownership of such
11 merchandise;

12 (4) To inform a peace officer of the detention of the
13 person and surrender that person to the custody of a peace
14 officer;

15 (5) In the case of a minor, to immediately make a
16 reasonable attempt to inform the parents, guardian or other
17 private person interested in the welfare of that minor and,
18 at the merchant's discretion, a peace officer, of this
19 detention and to surrender custody of such minor to such
20 person.

21 A merchant may make a detention as permitted in this
22 Section off the premises of a retail mercantile establishment
23 only if such detention is pursuant to an immediate pursuit of
24 such person.

25 A merchant shall be deemed to have reasonable grounds to
26 make a detention for the purposes of this Section if the

1 merchant detains a person because such person has in his or her
2 possession either a theft detection shielding device or a theft
3 detection device remover.

4 (b) Affirmative defense. A detention as permitted in this
5 Section does not constitute an arrest or an unlawful restraint,
6 as defined in Section 10-3 of this Code, nor shall it render
7 the merchant liable to the person so detained.

8 (c) For the purposes of this Section, "minor" means a
9 person who is less than 19 years of age, is unemancipated, and
10 resides with his or her parent or parents or legal guardian.

11 (720 ILCS 5/16-27 new)

12 Sec. 16-27. Civil liability.

13 (a) A person who commits the offense of retail theft as
14 defined in subdivision (a)(1), (a)(2), (a)(3), or (a)(8) of
15 Section 16-25 shall be civilly liable to the merchant of the
16 merchandise in an amount consisting of:

17 (i) actual damages equal to the full retail value of
18 the merchandise; plus

19 (ii) an amount not less than \$100 nor more than \$1,000;
20 plus

21 (iii) attorney's fees and court costs.

22 (b) If a minor commits the offense of retail theft, the
23 parents or guardian of the minor shall be civilly liable as
24 provided in this Section; however, a guardian appointed
25 pursuant to the Juvenile Court Act of 1987 shall not be liable

1 under this Section. Total recovery under this Section shall not
2 exceed the maximum recovery permitted under Section 5 of the
3 Parental Responsibility Law. For the purposes of this Section,
4 "minor" means a person who is less than 19 years of age, is
5 unemancipated, and resides with his or her parent or parents or
6 legal guardian.

7 (c) A conviction or a plea of guilty to the offense of
8 retail theft is not a prerequisite to the bringing of a civil
9 suit under this Section.

10 (d) Judgments arising under this Section may be assigned.

11 (720 ILCS 5/16-28 new)

12 Sec. 16-28. Delivery container theft.

13 (a) A person commits delivery container theft when he or
14 she knowingly does any of the following:

15 (1) Uses for any purpose, when not on the premises of
16 the owner or an adjacent parking area, a delivery container
17 of another person which is marked by a name or mark unless
18 the use is authorized by the owner.

19 (2) Sells, or offers for sale, a delivery container of
20 another person which is marked by a name or mark unless the
21 sale is authorized by the owner.

22 (3) Defaces, obliterates, destroys, covers up or
23 otherwise removes or conceals a name or mark on a delivery
24 container of another person without the written consent of
25 the owner.

1 (4) Removes the delivery container of another person
2 from the premises, parking area or any other area under the
3 control of any processor, distributor or retail
4 establishment, or from any delivery vehicle, without the
5 consent of the owner of the delivery container. If a person
6 possesses any marked or named delivery container without
7 the consent of the owner and while not on the premises,
8 parking area or other area under control of a processor,
9 distributor or retail establishment doing business with
10 the owner, the trier of fact may infer that the person
11 removed the delivery container in violation of this
12 paragraph.

13 (b) Any common carrier or private carrier for hire, except
14 those engaged in transporting bakery or dairy products to and
15 from the places where they are produced, that receives or
16 transports any delivery container marked with a name or mark
17 without having in its possession a bill of lading or invoice
18 for that delivery container commits the offense of delivery
19 container theft.

20 (c) Sentence. Delivery container theft is a Class B
21 misdemeanor. An offender may be sentenced to pay a fine of \$150
22 for the first offense and \$500 for a second or subsequent
23 offense.

24 (720 ILCS 5/Art. 16, Subdiv. 15 heading new)

25 SUBDIVISION 15. IDENTITY THEFT

1 (720 ILCS 5/16-30 new)

2 Sec. 16-30. Identity theft; aggravated identity theft.

3 (a) A person commits identity theft when he or she
4 knowingly:

5 (1) uses any personal identifying information or
6 personal identification document of another person to
7 fraudulently obtain credit, money, goods, services, or
8 other property; or

9 (2) uses any personal identification information or
10 personal identification document of another with intent to
11 commit any felony not set forth in paragraph (1) of this
12 subsection (a); or

13 (3) obtains, records, possesses, sells, transfers,
14 purchases, or manufactures any personal identification
15 information or personal identification document of another
16 with intent to commit any felony; or

17 (4) uses, obtains, records, possesses, sells,
18 transfers, purchases, or manufactures any personal
19 identification information or personal identification
20 document of another knowing that such personal
21 identification information or personal identification
22 documents were stolen or produced without lawful
23 authority; or

24 (5) uses, transfers, or possesses document-making
25 implements to produce false identification or false

1 documents with knowledge that they will be used by the
2 person or another to commit any felony; or

3 (6) uses any personal identification information or
4 personal identification document of another to portray
5 himself or herself as that person, or otherwise, for the
6 purpose of gaining access to any personal identification
7 information or personal identification document of that
8 person, without the prior express permission of that
9 person; or

10 (7) uses any personal identification information or
11 personal identification document of another for the
12 purpose of gaining access to any record of the actions
13 taken, communications made or received, or other
14 activities or transactions of that person, without the
15 prior express permission of that person; or

16 (8) in the course of applying for a building permit
17 with a unit of local government, provides the license
18 number of a roofing or fire sprinkler contractor whom he or
19 she does not intend to have perform the work on the roofing
20 or fire sprinkler portion of the project; it is an
21 affirmative defense to prosecution under this paragraph
22 (8) that the building permit applicant promptly informed
23 the unit of local government that issued the building
24 permit of any change in the roofing or fire sprinkler
25 contractor.

26 (b) Aggravated identity theft. A person commits aggravated

1 identity theft when he or she commits identity theft as set
2 forth in subsection (a) of this Section:

3 (1) against a person 60 years of age or older or a
4 person with a disability; or

5 (2) in furtherance of the activities of an organized
6 gang.

7 A defense to aggravated identity theft does not exist
8 merely because the accused reasonably believed the victim to be
9 a person less than 60 years of age. For the purposes of this
10 subsection, "organized gang" has the meaning ascribed in
11 Section 10 of the Illinois Streetgang Terrorism Omnibus
12 Prevention Act.

13 (c) Knowledge shall be determined by an evaluation of all
14 circumstances surrounding the use of the other person's
15 identifying information or document.

16 (d) When a charge of identity theft or aggravated identity
17 theft of credit, money, goods, services, or other property
18 exceeding a specified value is brought, the value of the
19 credit, money, goods, services, or other property is an element
20 of the offense to be resolved by the trier of fact as either
21 exceeding or not exceeding the specified value.

22 (e) Sentence.

23 (1) Identity theft.

24 (A) A person convicted of identity theft in
25 violation of paragraph (1) of subsection (a) shall be
26 sentenced as follows:

1 (i) Identity theft of credit, money, goods,
2 services, or other property not exceeding \$300 in
3 value is a Class 4 felony. A person who has been
4 previously convicted of identity theft of less
5 than \$300 who is convicted of a second or
6 subsequent offense of identity theft of less than
7 \$300 is guilty of a Class 3 felony. A person who
8 has been convicted of identity theft of less than
9 \$300 who has been previously convicted of any type
10 of theft, robbery, armed robbery, burglary,
11 residential burglary, possession of burglary
12 tools, home invasion, home repair fraud,
13 aggravated home repair fraud, or financial
14 exploitation of an elderly or disabled person is
15 guilty of a Class 3 felony. Identity theft of
16 credit, money, goods, services, or other property
17 not exceeding \$300 in value when the victim of the
18 identity theft is an active duty member of the
19 Armed Services or Reserve Forces of the United
20 States or of the Illinois National Guard serving in
21 a foreign country is a Class 3 felony. A person who
22 has been previously convicted of identity theft of
23 less than \$300 who is convicted of a second or
24 subsequent offense of identity theft of less than
25 \$300 when the victim of the identity theft is an
26 active duty member of the Armed Services or Reserve

1 Forces of the United States or of the Illinois
2 National Guard serving in a foreign country is
3 guilty of a Class 2 felony. A person who has been
4 convicted of identity theft of less than \$300 when
5 the victim of the identity theft is an active duty
6 member of the Armed Services or Reserve Forces of
7 the United States or of the Illinois National Guard
8 serving in a foreign country who has been
9 previously convicted of any type of theft,
10 robbery, armed robbery, burglary, residential
11 burglary, possession of burglary tools, home
12 invasion, home repair fraud, aggravated home
13 repair fraud, or financial exploitation of an
14 elderly or disabled person is guilty of a Class 2
15 felony.

16 (ii) Identity theft of credit, money, goods,
17 services, or other property exceeding \$300 and not
18 exceeding \$2,000 in value is a Class 3 felony.
19 Identity theft of credit, money, goods, services,
20 or other property exceeding \$300 and not exceeding
21 \$2,000 in value when the victim of the identity
22 theft is an active duty member of the Armed
23 Services or Reserve Forces of the United States or
24 of the Illinois National Guard serving in a foreign
25 country is a Class 2 felony.

26 (iii) Identity theft of credit, money, goods,

1 services, or other property exceeding \$2,000 and
2 not exceeding \$10,000 in value is a Class 2 felony.
3 Identity theft of credit, money, goods, services,
4 or other property exceeding \$2,000 and not
5 exceeding \$10,000 in value when the victim of the
6 identity theft is an active duty member of the
7 Armed Services or Reserve Forces of the United
8 States or of the Illinois National Guard serving in
9 a foreign country is a Class 1 felony.

10 (iv) Identity theft of credit, money, goods,
11 services, or other property exceeding \$10,000 and
12 not exceeding \$100,000 in value is a Class 1
13 felony. Identity theft of credit, money, goods,
14 services, or other property exceeding \$10,000 and
15 not exceeding \$100,000 in value when the victim of
16 the identity theft is an active duty member of the
17 Armed Services or Reserve Forces of the United
18 States or of the Illinois National Guard serving in
19 a foreign country is a Class X felony.

20 (v) Identity theft of credit, money, goods,
21 services, or other property exceeding \$100,000 in
22 value is a Class X felony.

23 (B) A person convicted of any offense enumerated in
24 paragraphs (2) through (7) of subsection (a) is guilty
25 of a Class 3 felony. A person convicted of any offense
26 enumerated in paragraphs (2) through (7) of subsection

1 (a) when the victim of the identity theft is an active
2 duty member of the Armed Services or Reserve Forces of
3 the United States or of the Illinois National Guard
4 serving in a foreign country is guilty of a Class 2
5 felony.

6 (C) A person convicted of any offense enumerated in
7 paragraphs (2) through (5) of subsection (a) a second
8 or subsequent time is guilty of a Class 2 felony. A
9 person convicted of any offense enumerated in
10 paragraphs (2) through (5) of subsection (a) a second
11 or subsequent time when the victim of the identity
12 theft is an active duty member of the Armed Services or
13 Reserve Forces of the United States or of the Illinois
14 National Guard serving in a foreign country is guilty
15 of a Class 1 felony.

16 (D) A person who, within a 12-month period, is
17 found in violation of any offense enumerated in
18 paragraphs (2) through (7) of subsection (a) with
19 respect to the identifiers of, or other information
20 relating to, 3 or more separate individuals, at the
21 same time or consecutively, is guilty of a Class 2
22 felony. A person who, within a 12-month period, is
23 found in violation of any offense enumerated in
24 paragraphs (2) through (7) of subsection (a) with
25 respect to the identifiers of, or other information
26 relating to, 3 or more separate individuals, at the

1 same time or consecutively, when the victim of the
2 identity theft is an active duty member of the Armed
3 Services or Reserve Forces of the United States or of
4 the Illinois National Guard serving in a foreign
5 country is guilty of a Class 1 felony.

6 (E) A person convicted of identity theft in
7 violation of paragraph (2) of subsection (a) who uses
8 any personal identification information or personal
9 identification document of another to purchase
10 methamphetamine manufacturing material as defined in
11 Section 10 of the Methamphetamine Control and
12 Community Protection Act with the intent to unlawfully
13 manufacture methamphetamine is guilty of a Class 2
14 felony for a first offense and a Class 1 felony for a
15 second or subsequent offense. A person convicted of
16 identity theft in violation of paragraph (2) of
17 subsection (a) who uses any personal identification
18 information or personal identification document of
19 another to purchase methamphetamine manufacturing
20 material as defined in Section 10 of the
21 Methamphetamine Control and Community Protection Act
22 with the intent to unlawfully manufacture
23 methamphetamine when the victim of the identity theft
24 is an active duty member of the Armed Services or
25 Reserve Forces of the United States or of the Illinois
26 National Guard serving in a foreign country is guilty

1 of a Class 1 felony for a first offense and a Class X
2 felony for a second or subsequent offense.

3 (F) A person convicted of identity theft in
4 violation of paragraph (8) of subsection (a) of this
5 Section is guilty of a Class 4 felony.

6 (2) Aggravated identity theft.

7 (A) Aggravated identity theft of credit, money,
8 goods, services, or other property not exceeding \$300
9 in value is a Class 3 felony.

10 (B) Aggravated identity theft of credit, money,
11 goods, services, or other property exceeding \$300 and
12 not exceeding \$10,000 in value is a Class 2 felony.

13 (C) Aggravated identity theft of credit, money,
14 goods, services, or other property exceeding \$10,000
15 in value and not exceeding \$100,000 in value is a Class
16 1 felony.

17 (D) Aggravated identity theft of credit, money,
18 goods, services, or other property exceeding \$100,000
19 in value is a Class X felony.

20 (E) Aggravated identity theft for a violation of
21 any offense enumerated in paragraphs (2) through (7) of
22 subsection (a) of this Section is a Class 2 felony.

23 (F) Aggravated identity theft when a person who,
24 within a 12-month period, is found in violation of any
25 offense enumerated in paragraphs (2) through (7) of
26 subsection (a) of this Section with identifiers of, or

1 other information relating to, 3 or more separate
2 individuals, at the same time or consecutively, is a
3 Class 1 felony.

4 (G) A person who has been previously convicted of
5 aggravated identity theft regardless of the value of
6 the property involved who is convicted of a second or
7 subsequent offense of aggravated identity theft
8 regardless of the value of the property involved is
9 guilty of a Class X felony.

10 (720 ILCS 5/16-31 new)

11 Sec. 16-31. Transmission of personal identifying
12 information.

13 (a) A person commits transmission of personal identifying
14 information if he or she is not a party to a transaction that
15 involves the use of a financial transaction device and
16 knowingly: (i) secretly or surreptitiously photographs, or
17 otherwise captures or records, electronically or by any other
18 means, personal identifying information from the transaction
19 without the consent of the person whose information is
20 photographed or otherwise captured, recorded, distributed,
21 disseminated, or transmitted, or (ii) distributes,
22 disseminates, or transmits, electronically or by any other
23 means, personal identifying information from the transaction
24 without the consent of the person whose information is
25 photographed, or otherwise captured, recorded, distributed,

1 disseminated, or transmitted.

2 (b) This Section does not:

3 (1) prohibit the capture or transmission of personal
4 identifying information in the ordinary and lawful course
5 of business;

6 (2) apply to a peace officer of this State, or of the
7 federal government, or the officer's agent, while in the
8 lawful performance of the officer's duties;

9 (3) prohibit a person from being charged with,
10 convicted of, or punished for any other violation of law
11 committed by that person while violating or attempting to
12 violate this Section.

13 (c) Sentence. A person who violates this Section is guilty
14 of a Class A misdemeanor.

15 (720 ILCS 5/16-32 new)

16 Sec. 16-32. Facilitating identity theft.

17 (a) A person commits facilitating identity theft when he or
18 she, in the course of his or her employment or official duties,
19 has access to the personal information of another person in the
20 possession of the State of Illinois, whether written, recorded,
21 or on computer disk, and knowingly, with the intent of
22 committing identity theft, aggravated identity theft, or any
23 violation of the Illinois Financial Crime Law, disposes of that
24 written, recorded, or computerized information in any
25 receptacle, trash can, or other container that the public could

1 gain access to, without shredding that information, destroying
2 the recording, or wiping the computer disk so that the
3 information is either unintelligible or destroyed.

4 (b) Sentence. Facilitating identity theft is a Class A
5 misdemeanor for a first offense and a Class 4 felony for a
6 second or subsequent offense.

7 (c) For purposes of this Section, "personal information"
8 has the meaning provided in the Personal Information Protection
9 Act.

10 (720 ILCS 5/16-33 new)

11 Sec. 16-33. Civil remedies. A person who is convicted of
12 facilitating identity theft, identity theft, or aggravated
13 identity theft is liable in a civil action to the person who
14 suffered damages as a result of the violation. The person
15 suffering damages may recover court costs, attorney's fees,
16 lost wages, and actual damages. Where a person has been
17 convicted of identity theft in violation of subdivision (a)(6)
18 or subdivision (a)(7) of Section 16-30, in the absence of proof
19 of actual damages, the person whose personal identification
20 information or personal identification documents were used in
21 the violation in question may recover damages of \$2,000.

22 (720 ILCS 5/16-34 new)

23 Sec. 16-34. Offender's interest in the property; consent.

24 (a) It is no defense to a charge of aggravated identity

1 theft or identity theft that the offender has an interest in
2 the credit, money, goods, services, or other property.

3 (b) It is no defense to a charge of aggravated identity
4 theft or identity theft that the offender received the consent
5 of any person to access any personal identification information
6 or personal identification document, other than the person
7 described by the personal identification information or
8 personal identification document used by the offender.

9 (720 ILCS 5/16-35 new)

10 Sec. 16-35. Mandating law enforcement agencies to accept
11 and provide reports; judicial factual determination.

12 (a) A person who has learned or reasonably suspects that
13 his or her personal identifying information has been unlawfully
14 used by another may initiate a law enforcement investigation by
15 contacting the local law enforcement agency that has
16 jurisdiction over his or her actual residence, which shall take
17 a police report of the matter, provide the complainant with a
18 copy of that report, and begin an investigation of the facts,
19 or, if the suspected crime was committed in a different
20 jurisdiction, refer the matter to the law enforcement agency
21 where the suspected crime was committed for an investigation of
22 the facts.

23 (b) A person who reasonably believes that he or she is the
24 victim of financial identity theft may petition a court, or
25 upon application of the prosecuting attorney or on its own

1 motion, the court may move for an expedited judicial
2 determination of his or her factual innocence, where the
3 perpetrator of the financial identity theft was arrested for,
4 cited for, or convicted of a crime under the victim's identity,
5 or where a criminal complaint has been filed against the
6 perpetrator in the victim's name, or where the victim's
7 identity has been mistakenly associated with a criminal
8 conviction. Any judicial determination of factual innocence
9 made pursuant to this subsection may be heard and determined
10 upon declarations, affidavits, police reports, or other
11 material, relevant, and reliable information submitted by the
12 parties or ordered to be part of the record by the court. If
13 the court determines that the petition or motion is meritorious
14 and that there is no reasonable cause to believe that the
15 victim committed the offense for which the perpetrator of the
16 identity theft was arrested, cited, convicted, or subject to a
17 criminal complaint in the victim's name, or that the victim's
18 identity has been mistakenly associated with a record of
19 criminal conviction, the court shall find the victim factually
20 innocent of that offense. If the victim is found factually
21 innocent, the court shall issue an order certifying this
22 determination.

23 (c) After a court has issued a determination of factual
24 innocence under this Section, the court may order the name and
25 associated personal identifying information contained in the
26 court records, files, and indexes accessible by the public

1 sealed, deleted, or labeled to show that the data is
2 impersonated and does not reflect the defendant's identity.

3 (d) A court that has issued a determination of factual
4 innocence under this Section may at any time vacate that
5 determination if the petition, or any information submitted in
6 support of the petition, is found to contain any material
7 misrepresentation or fraud.

8 (e) Except for criminal and civil actions provided for by
9 Sections 16-30 through 16-36, or for disciplinary or
10 licensure-related proceedings involving the violation of
11 Sections 16-30 through 16-36, no information acquired by, or as
12 a result of, any violation of Section 16-30 shall be
13 discoverable or admissible in any court or other proceeding, or
14 otherwise subject to disclosure without the express permission
15 of any person or persons identified in that information.

16 (720 ILCS 5/16-36 new)

17 Sec. 16-36. Venue. In addition to any other venues provided
18 for by statute or otherwise, venue for any criminal prosecution
19 or civil recovery action under Sections 16-30 through 16-36
20 shall be proper in any county where the person described in the
21 personal identification information or personal identification
22 document in question resides or has his or her principal place
23 of business. Where a criminal prosecution or civil recovery
24 action under Sections 16-30 through 16-36 involves the personal
25 identification information or personal identification

1 documents of more than one person, venue shall be proper in any
2 county where one or more of the persons described in the
3 personal identification information or personal identification
4 documents in question resides or has his or her principal place
5 of business.

6 (720 ILCS 5/16-37 new)

7 Sec. 16-37. Exemptions; relation to other laws.

8 (a) Sections 16-30 through 16-36 do not:

9 (1) prohibit the capture or transmission of personal
10 identifying information in the ordinary and lawful course
11 of business;

12 (2) apply to a peace officer of this State, or of the
13 federal government, or the officer's agent, while in the
14 lawful performance of the officer's duties;

15 (3) prohibit a licensed private detective or licensed
16 private detective agency from representing himself,
17 herself, or itself as any another person, provided that he,
18 she, or it may not portray himself, herself, or itself as
19 the person whose information he, she, or it is seeking
20 except as provided under Sections 16-30 through 16-36;

21 (4) apply to activities authorized under any other
22 statute.

23 (b) No criminal prosecution or civil action brought under
24 Sections 16-30 through 16-36 shall prohibit a person from being
25 charged with, convicted of, or punished for any other violation

1 of law committed by that person while violating or attempting
2 to violate Sections 16-30 through 16-36.

3 (720 ILCS 5/Art. 16, Subdiv. 20 heading new)

4 SUBDIVISION 20. MISCELLANEOUS THEFT-RELATED OFFENSES

5 (720 ILCS 5/16-40 new)

6 Sec. 16-40. Internet offenses.

7 (a) Online sale of stolen property. A person commits online
8 sale of stolen property when he or she uses or accesses the
9 Internet with the intent of selling property gained through
10 unlawful means.

11 (b) Online theft by deception. A person commits online
12 theft by deception when he or she uses the Internet to purchase
13 or attempt to purchase property from a seller with a mode of
14 payment that he or she knows is fictitious, stolen, or lacking
15 the consent of the valid account holder.

16 (c) Electronic fencing. A person commits electronic
17 fencing when he or she sells stolen property using the
18 Internet, knowing that the property was stolen. A person who
19 unknowingly purchases stolen property over the Internet does
20 not violate this Section.

21 (d) Sentence. A violation of this Section is a Class 4
22 felony if the full retail value of the stolen property or
23 property obtained by deception does not exceed \$300. A
24 violation of this Section is a Class 2 felony if the full

1 retail value of the stolen property or property obtained by
2 deception exceeds \$300.

3 (720 ILCS 5/17-0.5)

4 (This Section may contain text from a Public Act with a
5 delayed effective date)

6 Sec. 17-0.5. Definitions. In this Article:

7 "Altered credit card or debit card" means any instrument or
8 device, whether known as a credit card or debit card, which has
9 been changed in any respect by addition or deletion of any
10 material, except for the signature by the person to whom the
11 card is issued.

12 "Cardholder" means the person or organization named on the
13 face of a credit card or debit card to whom or for whose
14 benefit the credit card or debit card is issued by an issuer.

15 "Computer" means a device that accepts, processes, stores,
16 retrieves, or outputs data and includes, but is not limited to,
17 auxiliary storage and telecommunications devices connected to
18 computers.

19 "Computer network" means a set of related, remotely
20 connected devices and any communications facilities including
21 more than one computer with the capability to transmit data
22 between them through the communications facilities.

23 "Computer program" or "program" means a series of coded
24 instructions or statements in a form acceptable to a computer
25 which causes the computer to process data and supply the

1 results of the data processing.

2 "Computer services" means computer time or services,
3 including data processing services, Internet services,
4 electronic mail services, electronic message services, or
5 information or data stored in connection therewith.

6 "Counterfeit" means to manufacture, produce or create, by
7 any means, a credit card or debit card without the purported
8 issuer's consent or authorization.

9 "Credit card" means any instrument or device, whether known
10 as a credit card, credit plate, charge plate or any other name,
11 issued with or without fee by an issuer for the use of the
12 cardholder in obtaining money, goods, services or anything else
13 of value on credit or in consideration or an undertaking or
14 guaranty by the issuer of the payment of a check drawn by the
15 cardholder.

16 "Data" means a representation in any form of information,
17 knowledge, facts, concepts, or instructions, including program
18 documentation, which is prepared or has been prepared in a
19 formalized manner and is stored or processed in or transmitted
20 by a computer or in a system or network. Data is considered
21 property and may be in any form, including, but not limited to,
22 printouts, magnetic or optical storage media, punch cards, or
23 data stored internally in the memory of the computer.

24 "Debit card" means any instrument or device, known by any
25 name, issued with or without fee by an issuer for the use of
26 the cardholder in obtaining money, goods, services, and

1 anything else of value, payment of which is made against funds
2 previously deposited by the cardholder. A debit card which also
3 can be used to obtain money, goods, services and anything else
4 of value on credit shall not be considered a debit card when it
5 is being used to obtain money, goods, services or anything else
6 of value on credit.

7 "Document" includes, but is not limited to, any document,
8 representation, or image produced manually, electronically, or
9 by computer.

10 "Electronic fund transfer terminal" means any machine or
11 device that, when properly activated, will perform any of the
12 following services:

13 (1) Dispense money as a debit to the cardholder's
14 account; or

15 (2) Print the cardholder's account balances on a
16 statement; or

17 (3) Transfer funds between a cardholder's accounts; or

18 (4) Accept payments on a cardholder's loan; or

19 (5) Dispense cash advances on an open end credit or a
20 revolving charge agreement; or

21 (6) Accept deposits to a customer's account; or

22 (7) Receive inquiries of verification of checks and
23 dispense information that verifies that funds are
24 available to cover such checks; or

25 (8) Cause money to be transferred electronically from a
26 cardholder's account to an account held by any business,

1 firm, retail merchant, corporation, or any other
2 organization.

3 "Electronic funds transfer system", hereafter referred to
4 as "EFT System", means that system whereby funds are
5 transferred electronically from a cardholder's account to any
6 other account.

7 "Electronic mail service provider" means any person who (i)
8 is an intermediary in sending or receiving electronic mail and
9 (ii) provides to end-users of electronic mail services the
10 ability to send or receive electronic mail.

11 "Expired credit card or debit card" means a credit card or
12 debit card which is no longer valid because the term on it has
13 elapsed.

14 "False academic degree" means a certificate, diploma,
15 transcript, or other document purporting to be issued by an
16 institution of higher learning or purporting to indicate that a
17 person has completed an organized academic program of study at
18 an institution of higher learning when the person has not
19 completed the organized academic program of study indicated on
20 the certificate, diploma, transcript, or other document.

21 "False claim" means any statement made to any insurer,
22 purported insurer, servicing corporation, insurance broker, or
23 insurance agent, or any agent or employee of one of those
24 entities, and made as part of, or in support of, a claim for
25 payment or other benefit under a policy of insurance, or as
26 part of, or in support of, an application for the issuance of,

1 or the rating of, any insurance policy, when the statement does
2 any of the following:

3 (1) Contains any false, incomplete, or misleading
4 information concerning any fact or thing material to the
5 claim.

6 (2) Conceals (i) the occurrence of an event that is
7 material to any person's initial or continued right or
8 entitlement to any insurance benefit or payment or (ii) the
9 amount of any benefit or payment to which the person is
10 entitled.

11 "Financial institution" means any bank, savings and loan
12 association, credit union, or other depository of money or
13 medium of savings and collective investment.

14 "Governmental entity" means: each officer, board,
15 commission, and agency created by the Constitution, whether in
16 the executive, legislative, or judicial branch of State
17 government; each officer, department, board, commission,
18 agency, institution, authority, university, and body politic
19 and corporate of the State; each administrative unit or
20 corporate outgrowth of State government that is created by or
21 pursuant to statute, including units of local government and
22 their officers, school districts, and boards of election
23 commissioners; and each administrative unit or corporate
24 outgrowth of the foregoing items and as may be created by
25 executive order of the Governor.

26 "Incomplete credit card or debit card" means a credit card

1 or debit card which is missing part of the matter other than
2 the signature of the cardholder which an issuer requires to
3 appear on the credit card or debit card before it can be used
4 by a cardholder, and this includes credit cards or debit cards
5 which have not been stamped, embossed, imprinted or written on.

6 "Institution of higher learning" means a public or private
7 college, university, or community college located in the State
8 of Illinois that is authorized by the Board of Higher Education
9 or the Illinois Community College Board to issue post-secondary
10 degrees, or a public or private college, university, or
11 community college located anywhere in the United States that is
12 or has been legally constituted to offer degrees and
13 instruction in its state of origin or incorporation.

14 "Insurance company" means "company" as defined under
15 Section 2 of the Illinois Insurance Code.

16 "Issuer" means the business organization or financial
17 institution which issues a credit card or debit card, or its
18 duly authorized agent.

19 "Merchant" has the meaning ascribed to it in Section 16-0.1
20 ~~16A-2.4~~ of this Code.

21 "Person" means any individual, corporation, government,
22 governmental subdivision or agency, business trust, estate,
23 trust, partnership or association or any other entity.

24 "Receives" or "receiving" means acquiring possession or
25 control.

26 "Record of charge form" means any document submitted or

1 intended to be submitted to an issuer as evidence of a credit
2 transaction for which the issuer has agreed to reimburse
3 persons providing money, goods, property, services or other
4 things of value.

5 "Revoked credit card or debit card" means a credit card or
6 debit card which is no longer valid because permission to use
7 it has been suspended or terminated by the issuer.

8 "Sale" means any delivery for value.

9 "Scheme or artifice to defraud" includes a scheme or
10 artifice to deprive another of the intangible right to honest
11 services.

12 "Self-insured entity" means any person, business,
13 partnership, corporation, or organization that sets aside
14 funds to meet his, her, or its losses or to absorb fluctuations
15 in the amount of loss, the losses being charged against the
16 funds set aside or accumulated.

17 "Social networking website" means an Internet website
18 containing profile web pages of the members of the website that
19 include the names or nicknames of such members, photographs
20 placed on the profile web pages by such members, or any other
21 personal or personally identifying information about such
22 members and links to other profile web pages on social
23 networking websites of friends or associates of such members
24 that can be accessed by other members or visitors to the
25 website. A social networking website provides members of or
26 visitors to such website the ability to leave messages or

1 comments on the profile web page that are visible to all or
2 some visitors to the profile web page and may also include a
3 form of electronic mail for members of the social networking
4 website.

5 "Statement" means any assertion, oral, written, or
6 otherwise, and includes, but is not limited to: any notice,
7 letter, or memorandum; proof of loss; bill of lading; receipt
8 for payment; invoice, account, or other financial statement;
9 estimate of property damage; bill for services; diagnosis or
10 prognosis; prescription; hospital, medical, or dental chart or
11 other record, x-ray, photograph, videotape, or movie film; test
12 result; other evidence of loss, injury, or expense;
13 computer-generated document; and data in any form.

14 "Universal Price Code Label" means a unique symbol that
15 consists of a machine-readable code and human-readable
16 numbers.

17 "With intent to defraud" means to act knowingly, and with
18 the specific intent to deceive or cheat, for the purpose of
19 causing financial loss to another or bringing some financial
20 gain to oneself, regardless of whether any person was actually
21 defrauded or deceived. This includes an intent to cause another
22 to assume, create, transfer, alter, or terminate any right,
23 obligation, or power with reference to any person or property.

24 (Source: P.A. 96-1551, eff. 7-1-11.)

1 (Text of Section after amendment by P.A. 96-1551)

2 Sec. 17-2. False personation; solicitation.

3 (a) False personation; solicitation.

4 (1) A person commits a false personation when he or she
5 knowingly and falsely represents himself or herself to be a
6 member or representative of any veterans' or public safety
7 personnel organization or a representative of any
8 charitable organization, or when he or she knowingly
9 exhibits or uses in any manner any decal, badge or insignia
10 of any charitable, public safety personnel, or veterans'
11 organization when not authorized to do so by the
12 charitable, public safety personnel, or veterans'
13 organization. "Public safety personnel organization" has
14 the meaning ascribed to that term in Section 1 of the
15 Solicitation for Charity Act.

16 (2) A person commits a false personation when he or she
17 knowingly and falsely represents himself or herself to be a
18 veteran in seeking employment or public office. In this
19 paragraph, "veteran" means a person who has served in the
20 Armed Services or Reserve Forces of the United States.

21 (3) No person shall knowingly use the words "Police",
22 "Police Department", "Patrolman", "Sergeant",
23 "Lieutenant", "Peace Officer", "Sheriff's Police",
24 "Sheriff", "Officer", "Law Enforcement", "Trooper",
25 "Deputy", "Deputy Sheriff", "State Police", or any other
26 words to the same effect (i) in the title of any

1 organization, magazine, or other publication without the
2 express approval of the named public safety personnel
3 organization's governing board or (ii) in combination with
4 the name of any state, state agency, public university, or
5 unit of local government without the express written
6 authorization of that state, state agency, public
7 university, or unit of local government.

8 (4) No person may knowingly claim or represent that he
9 or she is acting on behalf of any public safety personnel
10 organization when soliciting financial contributions or
11 selling or delivering or offering to sell or deliver any
12 merchandise, goods, services, memberships, or
13 advertisements unless the chief of the police department,
14 fire department, and the corporate or municipal authority
15 thereof, or the sheriff has first entered into a written
16 agreement with the person or with an organization with
17 which the person is affiliated and the agreement permits
18 the activity and specifies and states clearly and fully the
19 purpose for which the proceeds of the solicitation,
20 contribution, or sale will be used.

21 (5) No person, when soliciting financial contributions
22 or selling or delivering or offering to sell or deliver any
23 merchandise, goods, services, memberships, or
24 advertisements may claim or represent that he or she is
25 representing or acting on behalf of any nongovernmental
26 organization by any name which includes "officer", "peace

1 officer", "police", "law enforcement", "trooper",
2 "sheriff", "deputy", "deputy sheriff", "State police", or
3 any other word or words which would reasonably be
4 understood to imply that the organization is composed of
5 law enforcement personnel unless:

6 (A) the person is actually representing or acting
7 on behalf of the nongovernmental organization;

8 (B) the nongovernmental organization is controlled
9 by and governed by a membership of and represents a
10 group or association of active duty peace officers,
11 retired peace officers, or injured peace officers; and

12 (C) before commencing the solicitation or the sale
13 or the offers to sell any merchandise, goods, services,
14 memberships, or advertisements, a written contract
15 between the soliciting or selling person and the
16 nongovernmental organization, which specifies and
17 states clearly and fully the purposes for which the
18 proceeds of the solicitation, contribution, or sale
19 will be used, has been entered into.

20 (6) No person, when soliciting financial contributions
21 or selling or delivering or offering to sell or deliver any
22 merchandise, goods, services, memberships, or
23 advertisements, may knowingly claim or represent that he or
24 she is representing or acting on behalf of any
25 nongovernmental organization by any name which includes
26 the term "fireman", "fire fighter", "paramedic", or any

1 other word or words which would reasonably be understood to
2 imply that the organization is composed of fire fighter or
3 paramedic personnel unless:

4 (A) the person is actually representing or acting
5 on behalf of the nongovernmental organization;

6 (B) the nongovernmental organization is controlled
7 by and governed by a membership of and represents a
8 group or association of active duty, retired, or
9 injured fire fighters (for the purposes of this
10 Section, "fire fighter" has the meaning ascribed to
11 that term in Section 2 of the Illinois Fire Protection
12 Training Act) or active duty, retired, or injured
13 emergency medical technicians - ambulance, emergency
14 medical technicians - intermediate, emergency medical
15 technicians - paramedic, ambulance drivers, or other
16 medical assistance or first aid personnel; and

17 (C) before commencing the solicitation or the sale
18 or delivery or the offers to sell or deliver any
19 merchandise, goods, services, memberships, or
20 advertisements, the soliciting or selling person and
21 the nongovernmental organization have entered into a
22 written contract that specifies and states clearly and
23 fully the purposes for which the proceeds of the
24 solicitation, contribution, or sale will be used.

25 (7) No person may knowingly claim or represent that he
26 or she is an airman, airline employee, airport employee, or

1 contractor at an airport in order to obtain the uniform,
2 identification card, license, or other identification
3 paraphernalia of an airman, airline employee, airport
4 employee, or contractor at an airport.

5 (8) No person, firm, copartnership, or corporation
6 (except corporations organized and doing business under
7 the Pawners Societies Act) shall knowingly use a name that
8 contains in it the words "Pawners' Society".

9 (b) False personation; judicial process. A person commits a
10 false personation if he or she knowingly and falsely represents
11 himself or herself to be any of the following:

12 (1) An attorney authorized to practice law for purposes
13 of compensation or consideration. This paragraph (b)(1)
14 does not apply to a person who unintentionally fails to pay
15 attorney registration fees established by Supreme Court
16 Rule.

17 (2) A public officer or a public employee or an
18 official or employee of the federal government.

19 (2.3) A public officer, a public employee, or an
20 official or employee of the federal government, and the
21 false representation is made in furtherance of the
22 commission of felony.

23 (2.7) A public officer or a public employee, and the
24 false representation is for the purpose of effectuating
25 identity theft as defined in Section 16-30 ~~16G-15~~ of this
26 Code.

1 (3) A peace officer.

2 (4) A peace officer while carrying a deadly weapon.

3 (5) A peace officer in attempting or committing a
4 felony.

5 (6) A peace officer in attempting or committing a
6 forcible felony.

7 (7) The parent, legal guardian, or other relation of a
8 minor child to any public official, public employee, or
9 elementary or secondary school employee or administrator.

10 (8) A fire fighter.

11 (9) A fire fighter while carrying a deadly weapon.

12 (10) A fire fighter in attempting or committing a
13 felony.

14 (11) An emergency management worker of any
15 jurisdiction in this State.

16 (12) An emergency management worker of any
17 jurisdiction in this State in attempting or committing a
18 felony. For the purposes of this subsection (b), "emergency
19 management worker" has the meaning provided under Section
20 2-6.6 of this Code.

21 (c) Fraudulent advertisement of a corporate name.

22 (1) A company, association, or individual commits
23 fraudulent advertisement of a corporate name if he, she, or
24 it, not being incorporated, puts forth a sign or
25 advertisement and assumes, for the purpose of soliciting
26 business, a corporate name.

1 (2) Nothing contained in this subsection (c) prohibits
2 a corporation, company, association, or person from using a
3 divisional designation or trade name in conjunction with
4 its corporate name or assumed name under Section 4.05 of
5 the Business Corporation Act of 1983 or, if it is a member
6 of a partnership or joint venture, from doing partnership
7 or joint venture business under the partnership or joint
8 venture name. The name under which the joint venture or
9 partnership does business may differ from the names of the
10 members. Business may not be conducted or transacted under
11 that joint venture or partnership name, however, unless all
12 provisions of the Assumed Business Name Act have been
13 complied with. Nothing in this subsection (c) permits a
14 foreign corporation to do business in this State without
15 complying with all Illinois laws regulating the doing of
16 business by foreign corporations. No foreign corporation
17 may conduct or transact business in this State as a member
18 of a partnership or joint venture that violates any
19 Illinois law regulating or pertaining to the doing of
20 business by foreign corporations in Illinois.

21 (3) The provisions of this subsection (c) do not apply
22 to limited partnerships formed under the Revised Uniform
23 Limited Partnership Act or under the Uniform Limited
24 Partnership Act (2001).

25 (d) False law enforcement badges.

26 (1) A person commits false law enforcement badges if he

1 or she knowingly produces, sells, or distributes a law
2 enforcement badge without the express written consent of
3 the law enforcement agency represented on the badge or, in
4 case of a reorganized or defunct law enforcement agency,
5 its successor law enforcement agency.

6 (2) It is a defense to false law enforcement badges
7 that the law enforcement badge is used or is intended to be
8 used exclusively: (i) as a memento or in a collection or
9 exhibit; (ii) for decorative purposes; or (iii) for a
10 dramatic presentation, such as a theatrical, film, or
11 television production.

12 (e) False medals.

13 (1) A person commits a false personation if he or she
14 knowingly and falsely represents himself or herself to be a
15 recipient of, or wears on his or her person, any of the
16 following medals if that medal was not awarded to that
17 person by the United States Government, irrespective of
18 branch of service: The Congressional Medal of Honor, The
19 Distinguished Service Cross, The Navy Cross, The Air Force
20 Cross, The Silver Star, The Bronze Star, or the Purple
21 Heart.

22 (2) It is a defense to a prosecution under paragraph
23 (e)(1) that the medal is used, or is intended to be used,
24 exclusively:

25 (A) for a dramatic presentation, such as a
26 theatrical, film, or television production, or a

1 historical re-enactment; or

2 (B) for a costume worn, or intended to be worn, by
3 a person under 18 years of age.

4 (f) Sentence.

5 (1) A violation of paragraph (a)(8) is a petty offense
6 subject to a fine of not less than \$5 nor more than \$100,
7 and the person, firm, copartnership, or corporation
8 commits an additional petty offense for each day he, she,
9 or it continues to commit the violation. A violation of
10 paragraph (c)(1) is a petty offense, and the company,
11 association, or person commits an additional petty offense
12 for each day he, she, or it continues to commit the
13 violation. A violation of subsection (e) is a petty offense
14 for which the offender shall be fined at least \$100 and not
15 more than \$200.

16 (2) A violation of paragraph (a)(1) or (a)(3) is a
17 Class C misdemeanor.

18 (3) A violation of paragraph (a)(2), (a)(7), (b)(2), or
19 (b)(7) or subsection (d) is a Class A misdemeanor. A second
20 or subsequent violation of subsection (d) is a Class 3
21 felony.

22 (4) A violation of paragraph (a)(4), (a)(5), (a)(6),
23 (b)(1), (b)(2.3), (b)(2.7), (b)(3), (b)(8), or (b)(11) is a
24 Class 4 felony.

25 (5) A violation of paragraph (b)(4), (b)(9), or (b)(12)
26 is a Class 3 felony.

1 (6) A violation of paragraph (b)(5) or (b)(10) is a
2 Class 2 felony.

3 (7) A violation of paragraph (b)(6) is a Class 1
4 felony.

5 (Source: P.A. 95-331, eff. 8-21-07; 96-328, eff. 8-11-09;
6 96-1551, eff. 7-1-11.)

7 (720 ILCS 5/24-3.8 new)

8 Sec. 24-3.8. Possession of a stolen firearm.

9 (a) A person commits possession of a stolen firearm when he
10 or she, not being entitled to the possession of a firearm,
11 possesses or delivers the firearm, knowing it to have been
12 stolen or converted. The trier of fact may infer that a person
13 who possesses a firearm with knowledge that its serial number
14 has been removed or altered has knowledge that the firearm is
15 stolen or converted.

16 (b) Possession of a stolen firearm is a Class 2 felony.

17 (720 ILCS 5/24-3.9 new)

18 Sec. 24-3.9. Aggravated possession of a stolen firearm.

19 (a) A person commits aggravated possession of a stolen
20 firearm when he or she:

21 (1) Not being entitled to the possession of not less
22 than 2 and not more than 5 firearms, possesses or delivers
23 those firearms at the same time or within a one year
24 period, knowing the firearms to have been stolen or

1 converted.

2 (2) Not being entitled to the possession of not less
3 than 6 and not more than 10 firearms, possesses or delivers
4 those firearms at the same time or within a 2 year period,
5 knowing the firearms to have been stolen or converted.

6 (3) Not being entitled to the possession of not less
7 than 11 and not more than 20 firearms, possesses or
8 delivers those firearms at the same time or within a 3 year
9 period, knowing the firearms to have been stolen or
10 converted.

11 (4) Not being entitled to the possession of not less
12 than 21 and not more than 30 firearms, possesses or
13 delivers those firearms at the same time or within a 4 year
14 period, knowing the firearms to have been stolen or
15 converted.

16 (5) Not being entitled to the possession of more than
17 30 firearms, possesses or delivers those firearms at the
18 same time or within a 5 year period, knowing the firearms
19 to have been stolen or converted.

20 (b) The trier of fact may infer that a person who possesses
21 a firearm with knowledge that its serial number has been
22 removed or altered has knowledge that the firearm is stolen or
23 converted.

24 (c) Sentence.

25 (1) A person who violates paragraph (1) of subsection
26 (a) of this Section commits a Class 1 felony.

1 (2) A person who violates paragraph (2) of subsection
2 (a) of this Section commits a Class X felony for which he
3 or she shall be sentenced to a term of imprisonment of not
4 less than 6 years and not more than 30 years.

5 (3) A person who violates paragraph (3) of subsection
6 (a) of this Section commits a Class X felony for which he
7 or she shall be sentenced to a term of imprisonment of not
8 less than 6 years and not more than 40 years.

9 (4) A person who violates paragraph (4) of subsection
10 (a) of this Section commits a Class X felony for which he
11 or she shall be sentenced to a term of imprisonment of not
12 less than 6 years and not more than 50 years.

13 (5) A person who violates paragraph (5) of subsection
14 (a) of this Section commits a Class X felony for which he
15 or she shall be sentenced to a term of imprisonment of not
16 less than 6 years and not more than 60 years.

17 (720 ILCS 5/26-1.1 new)

18 Sec. 26-1.1. False report of theft and other losses.

19 (a) A person who knowingly makes a false report of a theft,
20 destruction, damage or conversion of any property to a law
21 enforcement agency or other governmental agency with the intent
22 to defraud an insurer is guilty of a Class A misdemeanor.

23 (b) A person convicted of a violation of this Section a
24 second or subsequent time is guilty of a Class 4 felony.

1 (720 ILCS 5/16-1.1 rep.)
2 (720 ILCS 5/16-1.2 rep.)
3 (720 ILCS 5/16-3.1 rep.)
4 (720 ILCS 5/16-4 rep.)
5 (720 ILCS 5/16-8 rep.)
6 (720 ILCS 5/16-15 rep.)
7 (720 ILCS 5/16-16 rep.)
8 (720 ILCS 5/16-16.1 rep.)
9 (720 ILCS 5/16-19 rep.)
10 (720 ILCS 5/16-20 rep.)
11 (720 ILCS 5/16-21 rep.)
12 (720 ILCS 5/Art. 16A rep.)
13 (720 ILCS 5/Art. 16B rep.)
14 (720 ILCS 5/Art. 16E rep.)
15 (720 ILCS 5/Art. 16F rep.)
16 (720 ILCS 5/Art. 16G rep.)
17 (720 ILCS 5/Art. 16J rep.)
18 (720 ILCS 5/Art. 16K rep.)
19 (720 ILCS 5/17-25 rep.)

20 Section 6. The Criminal Code of 1961 is amended by
21 repealing Sections 16-1.1, 16-1.2, 16-3.1, 16-4, 16-8, 16-15,
22 16-16, 16-16.1, 16-19, 16-20, 16-21, and 17-25 and Articles
23 16A, 16B, 16E, 16F, 16G, 16J, and 16K.

24 Section 910. The Health Care Worker Background Check Act is
25 amended by changing Section 25 as follows:

1 (225 ILCS 46/25)

2 (Text of Section after amendment by P.A. 96-1551)

3 Sec. 25. Persons ineligible to be hired by health care
4 employers and long-term care facilities.

5 (a) In the discretion of the Director of Public Health, as
6 soon after January 1, 1996, January 1, 1997, January 1, 2006,
7 or October 1, 2007, as applicable, and as is reasonably
8 practical, no health care employer shall knowingly hire,
9 employ, or retain any individual in a position with duties
10 involving direct care for clients, patients, or residents, and
11 no long-term care facility shall knowingly hire, employ, or
12 retain any individual in a position with duties that involve or
13 may involve contact with residents or access to the living
14 quarters or the financial, medical, or personal records of
15 residents, who has been convicted of committing or attempting
16 to commit one or more of the following offenses: those defined
17 in Sections 8-1(b), 8-1.1, 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3,
18 9-3.1, 9-3.2, 9-3.3, 9-3.4, 10-1, 10-2, 10-3, 10-3.1, 10-4,
19 10-5, 10-7, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6,
20 11-9.1, 11-9.5, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-1,
21 12-2, 12-3.05, 12-3.1, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-4.2,
22 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-7.4, 12-11, 12-13,
23 12-14, 12-14.1, 12-15, 12-16, 12-19, 12-21, 12-21.6, 12-32,
24 12-33, 16-1, 16-1.3, 16-25, 16A-3, 17-3, 17-56, 18-1, 18-2,
25 18-3, 18-4, 18-5, 19-1, 19-3, 19-4, 20-1, 20-1.1, 24-1, 24-1.2,

1 24-1.5, or 33A-2, or subdivision (a) (4) of Section 11-14.4,~~7~~ or
2 in subsection (a) of Section 12-3 or subsection (a) or (b) of
3 Section 12-4.4a, of the Criminal Code of 1961; those provided
4 in Section 4 of the Wrongs to Children Act; those provided in
5 Section 53 of the Criminal Jurisprudence Act; those defined in
6 Section 5, 5.1, 5.2, 7, or 9 of the Cannabis Control Act; those
7 defined in the Methamphetamine Control and Community
8 Protection Act; or those defined in Sections 401, 401.1, 404,
9 405, 405.1, 407, or 407.1 of the Illinois Controlled Substances
10 Act, unless the applicant or employee obtains a waiver pursuant
11 to Section 40.

12 (a-1) In the discretion of the Director of Public Health,
13 as soon after January 1, 2004 or October 1, 2007, as
14 applicable, and as is reasonably practical, no health care
15 employer shall knowingly hire any individual in a position with
16 duties involving direct care for clients, patients, or
17 residents, and no long-term care facility shall knowingly hire
18 any individual in a position with duties that involve or may
19 involve contact with residents or access to the living quarters
20 or the financial, medical, or personal records of residents,
21 who has (i) been convicted of committing or attempting to
22 commit one or more of the offenses defined in Section 12-3.3,
23 12-4.2-5, 16-2, 16-30, 16G-15, 16G-20, 17-33, 17-34, 17-36,
24 17-44, 18-5, 20-1.2, 24-1.1, 24-1.2-5, 24-1.6, 24-3.2, or
25 24-3.3, or subsection (b) of Section 17-32, of the Criminal
26 Code of 1961; Section 4, 5, 6, 8, or 17.02 of the Illinois

1 Credit Card and Debit Card Act; or Section 11-9.1A of the
2 Criminal Code of 1961 or Section 5.1 of the Wrongs to Children
3 Act; or (ii) violated Section 50-50 of the Nurse Practice Act,
4 unless the applicant or employee obtains a waiver pursuant to
5 Section 40 of this Act.

6 A health care employer is not required to retain an
7 individual in a position with duties involving direct care for
8 clients, patients, or residents, and no long-term care facility
9 is required to retain an individual in a position with duties
10 that involve or may involve contact with residents or access to
11 the living quarters or the financial, medical, or personal
12 records of residents, who has been convicted of committing or
13 attempting to commit one or more of the offenses enumerated in
14 this subsection.

15 (b) A health care employer shall not hire, employ, or
16 retain any individual in a position with duties involving
17 direct care of clients, patients, or residents, and no
18 long-term care facility shall knowingly hire, employ, or retain
19 any individual in a position with duties that involve or may
20 involve contact with residents or access to the living quarters
21 or the financial, medical, or personal records of residents, if
22 the health care employer becomes aware that the individual has
23 been convicted in another state of committing or attempting to
24 commit an offense that has the same or similar elements as an
25 offense listed in subsection (a) or (a-1), as verified by court
26 records, records from a state agency, or an FBI criminal

1 history record check, unless the applicant or employee obtains
2 a waiver pursuant to Section 40 of this Act. This shall not be
3 construed to mean that a health care employer has an obligation
4 to conduct a criminal history records check in other states in
5 which an employee has resided.

6 (Source: P.A. 95-120, eff. 8-13-07; 95-639, eff. 10-5-07;
7 95-876, eff. 8-21-08; 96-710, eff. 1-1-10; 96-1551, Article 1,
8 Section 930, eff. 7-1-11; 96-1551, Article 2, Section 995, eff.
9 7-1-11; 96-1551, Article 10, Section 10-40, eff. 7-1-11;
10 revised 4-6-11.)

11 Section 915. The Fire Sprinkler Contractor Licensing Act is
12 amended by changing Section 32 as follows:

13 (225 ILCS 317/32)

14 Sec. 32. Application for building permit; identity theft. A
15 person who knowingly, in the course of applying for a building
16 permit with a unit of local government, provides the license
17 number of a fire sprinkler contractor whom he or she does not
18 intend to have perform the work on the fire sprinkler portion
19 of the project commits identity theft under paragraph (8) of
20 subsection (a) of Section 16-30 ~~16C-15~~ of the Criminal Code of
21 1961.

22 (Source: P.A. 96-1455, eff. 8-20-10; revised 9-22-10.)

23 Section 920. The Illinois Roofing Industry Licensing Act is

1 amended by changing Section 5 as follows:

2 (225 ILCS 335/5) (from Ch. 111, par. 7505)

3 (Section scheduled to be repealed on January 1, 2016)

4 Sec. 5. Display of license number; advertising.

5 (a) Each State licensed roofing contractor shall affix the
6 roofing contractor license number and the licensee's name, as
7 it appears on the license, to all of his or her contracts and
8 bids. In addition, the official issuing building permits shall
9 affix the roofing contractor license number to each application
10 for a building permit and on each building permit issued and
11 recorded.

12 (a-5) A person who knowingly, in the course of applying for
13 a building permit with a unit of local government, provides the
14 roofing license number of a roofing contractor whom he or she
15 does not intend to have perform the work on the roofing portion
16 of the project commits identity theft under paragraph (8) of
17 subsection (a) of Section 16-30 ~~166-15~~ of the Criminal Code of
18 1961.

19 (b) In addition, every roofing contractor shall affix the
20 roofing contractor license number and the licensee's name, as
21 it appears on the license, on all commercial vehicles used as
22 part of his or her business as a roofing contractor.

23 (c) Every holder of a license shall display it in a
24 conspicuous place in his or her principal office, place of
25 business, or place of employment.

1 (d) No person licensed under this Act may advertise
2 services regulated by this Act unless that person includes in
3 the advertisement the roofing contractor license number and the
4 licensee's name, as it appears on the license. Nothing
5 contained in this subsection requires the publisher of
6 advertising for roofing contractor services to investigate or
7 verify the accuracy of the license number provided by the
8 licensee.

9 (e) A person who advertises services regulated by this Act
10 who knowingly (i) fails to display the license number and the
11 licensee's name, as it appears on the license, in any manner
12 required by this Section, (ii) fails to provide a publisher
13 with the correct license number as required by subsection (d),
14 or (iii) provides a publisher with a false license number or a
15 license number of another person, or a person who knowingly
16 allows his or her license number to be displayed or used by
17 another person to circumvent any provisions of this Section, is
18 guilty of a Class A misdemeanor with a fine of \$1,000, and, in
19 addition, is subject to the administrative enforcement
20 provisions of this Act. Each day that an advertisement runs or
21 each day that a person knowingly allows his or her license to
22 be displayed or used in violation of this Section constitutes a
23 separate offense.

24 (Source: P.A. 96-624, eff. 1-1-10; 96-1324, eff. 7-27-10.)

25 Section 925. The Illinois Vehicle Code is amended by

1 changing Section 6-205.2 as follows:

2 (625 ILCS 5/6-205.2)

3 Sec. 6-205.2. Suspension of driver's license of person
4 convicted of theft of motor fuel. The driver's license of a
5 person convicted of theft of motor fuel under Section 16-25 or
6 16K-15 of the Criminal Code of 1961 shall be suspended by the
7 Secretary for a period not to exceed 6 months for a first
8 offense. Upon a second or subsequent conviction for theft of
9 motor fuel, the suspension shall be for a period not to exceed
10 one year. Upon conviction of a person for theft of motor fuel,
11 the court shall order the person to surrender his or her
12 driver's license to the clerk of the court who shall forward
13 the suspended license to the Secretary.

14 (Source: P.A. 94-700, eff. 6-1-06; 95-331, eff. 8-21-07.)

15 (720 ILCS 235/Act rep.)

16 Section 930. The Coin Slug Act is repealed.

17 (720 ILCS 360/Act rep.)

18 Section 935. The Telephone Line Interference Act is
19 repealed.

20 (720 ILCS 365/Act rep.)

21 Section 940. The Telephone Charge Fraud Act is repealed.

1 (720 ILCS 370/Act rep.)

2 Section 945. The Telephone Coin Box Tampering Act is
3 repealed.

4 Section 950. The Code of Criminal Procedure of 1963 is
5 amended by changing Section 111-4 as follows:

6 (725 ILCS 5/111-4)

7 (Text of Section after amendment by P.A. 96-1551)

8 Sec. 111-4. Joinder of offenses and defendants.

9 (a) Two or more offenses may be charged in the same
10 indictment, information or complaint in a separate count for
11 each offense if the offenses charged, whether felonies or
12 misdemeanors or both, are based on the same act or on 2 or more
13 acts which are part of the same comprehensive transaction.

14 (b) Two or more defendants may be charged in the same
15 indictment, information or complaint if they are alleged to
16 have participated in the same act or in the same comprehensive
17 transaction out of which the offense or offenses arose. Such
18 defendants may be charged in one or more counts together or
19 separately and all of the defendants need not be charged in
20 each count.

21 (c) Two or more acts or transactions in violation of any
22 provision or provisions of Sections 8A-2, 8A-3, 8A-4, 8A-4A and
23 8A-5 of the Illinois Public Aid Code, Section 14 of the
24 Illinois Wage Payment and Collection Act, Sections 16-1,

1 16-1.3, 16-2, 16-3, 16-5, 16-7, 16-8, 16-10, 16-25, 16-30,
2 16A-3, 16B-2, 16G-15, 16G-20, 16H-15, 16H-20, 16H-25, 16H-30,
3 16H-45, 16H-50, 16H-55, 17-1, 17-3, 17-6, 17-30, or 17-60, or
4 item (ii) of subsection (a) or (b) of Section 17-9, or
5 subdivision (a)(2) of Section 17-10.5, of the Criminal Code of
6 1961 and Section 118 of Division I of the Criminal
7 Jurisprudence Act, may be charged as a single offense in a
8 single count of the same indictment, information or complaint,
9 if such acts or transactions by one or more defendants are in
10 furtherance of a single intention and design or if the
11 property, labor or services obtained are of the same person or
12 are of several persons having a common interest in such
13 property, labor or services. In such a charge, the period
14 between the dates of the first and the final such acts or
15 transactions may be alleged as the date of the offense and, if
16 any such act or transaction by any defendant was committed in
17 the county where the prosecution was commenced, such county may
18 be alleged as the county of the offense.

19 (Source: P.A. 95-384, eff. 1-1-08; 96-354, eff. 8-13-09;
20 96-1207, eff. 7-22-10; 96-1407, eff. 1-1-11; 96-1551, eff.
21 7-1-11.)

22 Section 955. The Unified Code of Corrections is amended by
23 changing Sections 3-3-7, 5-6-1, 5-6-3, and 5-6-3.1 as follows:

24 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

1 (Text of Section after amendment by P.A. 96-1551)

2 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
3 Release.

4 (a) The conditions of parole or mandatory supervised
5 release shall be such as the Prisoner Review Board deems
6 necessary to assist the subject in leading a law-abiding life.
7 The conditions of every parole and mandatory supervised release
8 are that the subject:

9 (1) not violate any criminal statute of any
10 jurisdiction during the parole or release term;

11 (2) refrain from possessing a firearm or other
12 dangerous weapon;

13 (3) report to an agent of the Department of
14 Corrections;

15 (4) permit the agent to visit him or her at his or her
16 home, employment, or elsewhere to the extent necessary for
17 the agent to discharge his or her duties;

18 (5) attend or reside in a facility established for the
19 instruction or residence of persons on parole or mandatory
20 supervised release;

21 (6) secure permission before visiting or writing a
22 committed person in an Illinois Department of Corrections
23 facility;

24 (7) report all arrests to an agent of the Department of
25 Corrections as soon as permitted by the arresting authority
26 but in no event later than 24 hours after release from

1 custody;

2 (7.5) if convicted of a sex offense as defined in the
3 Sex Offender Management Board Act, the individual shall
4 undergo and successfully complete sex offender treatment
5 conducted in conformance with the standards developed by
6 the Sex Offender Management Board Act by a treatment
7 provider approved by the Board;

8 (7.6) if convicted of a sex offense as defined in the
9 Sex Offender Management Board Act, refrain from residing at
10 the same address or in the same condominium unit or
11 apartment unit or in the same condominium complex or
12 apartment complex with another person he or she knows or
13 reasonably should know is a convicted sex offender or has
14 been placed on supervision for a sex offense; the
15 provisions of this paragraph do not apply to a person
16 convicted of a sex offense who is placed in a Department of
17 Corrections licensed transitional housing facility for sex
18 offenders, or is in any facility operated or licensed by
19 the Department of Children and Family Services or by the
20 Department of Human Services, or is in any licensed medical
21 facility;

22 (7.7) if convicted for an offense that would qualify
23 the accused as a sexual predator under the Sex Offender
24 Registration Act on or after the effective date of this
25 amendatory Act of the 94th General Assembly, wear an
26 approved electronic monitoring device as defined in

1 Section 5-8A-2 for the duration of the person's parole,
2 mandatory supervised release term, or extended mandatory
3 supervised release term and if convicted for an offense of
4 criminal sexual assault, aggravated criminal sexual
5 assault, predatory criminal sexual assault of a child,
6 criminal sexual abuse, aggravated criminal sexual abuse,
7 or ritualized abuse of a child committed on or after August
8 11, 2009 (the effective date of Public Act 96-236) when the
9 victim was under 18 years of age at the time of the
10 commission of the offense and the defendant used force or
11 the threat of force in the commission of the offense wear
12 an approved electronic monitoring device as defined in
13 Section 5-8A-2 that has Global Positioning System (GPS)
14 capability for the duration of the person's parole,
15 mandatory supervised release term, or extended mandatory
16 supervised release term;

17 (7.8) if convicted for an offense committed on or after
18 the effective date of this amendatory Act of the 95th
19 General Assembly that would qualify the accused as a child
20 sex offender as defined in Section 11-9.3 or 11-9.4 of the
21 Criminal Code of 1961, refrain from communicating with or
22 contacting, by means of the Internet, a person who is not
23 related to the accused and whom the accused reasonably
24 believes to be under 18 years of age; for purposes of this
25 paragraph (7.8), "Internet" has the meaning ascribed to it
26 in Section 16-0.1 ~~16-5~~ of the Criminal Code of 1961; and a

1 person is not related to the accused if the person is not:
2 (i) the spouse, brother, or sister of the accused; (ii) a
3 descendant of the accused; (iii) a first or second cousin
4 of the accused; or (iv) a step-child or adopted child of
5 the accused;

6 (7.9) if convicted under Section 11-6, 11-20.1,
7 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961,
8 consent to search of computers, PDAs, cellular phones, and
9 other devices under his or her control that are capable of
10 accessing the Internet or storing electronic files, in
11 order to confirm Internet protocol addresses reported in
12 accordance with the Sex Offender Registration Act and
13 compliance with conditions in this Act;

14 (7.10) if convicted for an offense that would qualify
15 the accused as a sex offender or sexual predator under the
16 Sex Offender Registration Act on or after the effective
17 date of this amendatory Act of the 95th General Assembly,
18 not possess prescription drugs for erectile dysfunction;

19 (7.11) if convicted for an offense under Section 11-6,
20 11-9.1, 11-14.4 that involves soliciting for a juvenile
21 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
22 of the Criminal Code of 1961, or any attempt to commit any
23 of these offenses, committed on or after June 1, 2009 (the
24 effective date of Public Act 95-983):

25 (i) not access or use a computer or any other
26 device with Internet capability without the prior

1 written approval of the Department;

2 (ii) submit to periodic unannounced examinations
3 of the offender's computer or any other device with
4 Internet capability by the offender's supervising
5 agent, a law enforcement officer, or assigned computer
6 or information technology specialist, including the
7 retrieval and copying of all data from the computer or
8 device and any internal or external peripherals and
9 removal of such information, equipment, or device to
10 conduct a more thorough inspection;

11 (iii) submit to the installation on the offender's
12 computer or device with Internet capability, at the
13 offender's expense, of one or more hardware or software
14 systems to monitor the Internet use; and

15 (iv) submit to any other appropriate restrictions
16 concerning the offender's use of or access to a
17 computer or any other device with Internet capability
18 imposed by the Board, the Department or the offender's
19 supervising agent;

20 (7.12) if convicted of a sex offense as defined in the
21 Sex Offender Registration Act committed on or after January
22 1, 2010 (the effective date of Public Act 96-262), refrain
23 from accessing or using a social networking website as
24 defined in Section 17-0.5 of the Criminal Code of 1961;

25 (7.13) if convicted of a sex offense as defined in
26 Section 2 of the Sex Offender Registration Act committed on

1 or after January 1, 2010 (the effective date of Public Act
2 96-362) that requires the person to register as a sex
3 offender under that Act, may not knowingly use any computer
4 scrub software on any computer that the sex offender uses;

5 (8) obtain permission of an agent of the Department of
6 Corrections before leaving the State of Illinois;

7 (9) obtain permission of an agent of the Department of
8 Corrections before changing his or her residence or
9 employment;

10 (10) consent to a search of his or her person,
11 property, or residence under his or her control;

12 (11) refrain from the use or possession of narcotics or
13 other controlled substances in any form, or both, or any
14 paraphernalia related to those substances and submit to a
15 urinalysis test as instructed by a parole agent of the
16 Department of Corrections;

17 (12) not frequent places where controlled substances
18 are illegally sold, used, distributed, or administered;

19 (13) not knowingly associate with other persons on
20 parole or mandatory supervised release without prior
21 written permission of his or her parole agent and not
22 associate with persons who are members of an organized gang
23 as that term is defined in the Illinois Streetgang
24 Terrorism Omnibus Prevention Act;

25 (14) provide true and accurate information, as it
26 relates to his or her adjustment in the community while on

1 parole or mandatory supervised release or to his or her
2 conduct while incarcerated, in response to inquiries by his
3 or her parole agent or of the Department of Corrections;

4 (15) follow any specific instructions provided by the
5 parole agent that are consistent with furthering
6 conditions set and approved by the Prisoner Review Board or
7 by law, exclusive of placement on electronic detention, to
8 achieve the goals and objectives of his or her parole or
9 mandatory supervised release or to protect the public.
10 These instructions by the parole agent may be modified at
11 any time, as the agent deems appropriate;

12 (16) if convicted of a sex offense as defined in
13 subsection (a-5) of Section 3-1-2 of this Code, unless the
14 offender is a parent or guardian of the person under 18
15 years of age present in the home and no non-familial minors
16 are present, not participate in a holiday event involving
17 children under 18 years of age, such as distributing candy
18 or other items to children on Halloween, wearing a Santa
19 Claus costume on or preceding Christmas, being employed as
20 a department store Santa Claus, or wearing an Easter Bunny
21 costume on or preceding Easter; and

22 (17) if convicted of a violation of an order of
23 protection under Section 12-30 of the Criminal Code of
24 1961, be placed under electronic surveillance as provided
25 in Section 5-8A-7 of this Code.

26 (b) The Board may in addition to other conditions require

1 that the subject:

2 (1) work or pursue a course of study or vocational
3 training;

4 (2) undergo medical or psychiatric treatment, or
5 treatment for drug addiction or alcoholism;

6 (3) attend or reside in a facility established for the
7 instruction or residence of persons on probation or parole;

8 (4) support his dependents;

9 (5) (blank);

10 (6) (blank);

11 (7) comply with the terms and conditions of an order of
12 protection issued pursuant to the Illinois Domestic
13 Violence Act of 1986, enacted by the 84th General Assembly,
14 or an order of protection issued by the court of another
15 state, tribe, or United States territory;

16 (7.5) if convicted for an offense committed on or after
17 the effective date of this amendatory Act of the 95th
18 General Assembly that would qualify the accused as a child
19 sex offender as defined in Section 11-9.3 or 11-9.4 of the
20 Criminal Code of 1961, refrain from communicating with or
21 contacting, by means of the Internet, a person who is
22 related to the accused and whom the accused reasonably
23 believes to be under 18 years of age; for purposes of this
24 paragraph (7.5), "Internet" has the meaning ascribed to it
25 in Section 16-0.1 ~~16-5~~ of the Criminal Code of 1961; and a
26 person is related to the accused if the person is: (i) the

1 spouse, brother, or sister of the accused; (ii) a
2 descendant of the accused; (iii) a first or second cousin
3 of the accused; or (iv) a step-child or adopted child of
4 the accused;

5 (7.6) if convicted for an offense committed on or after
6 June 1, 2009 (the effective date of Public Act 95-983) that
7 would qualify as a sex offense as defined in the Sex
8 Offender Registration Act:

9 (i) not access or use a computer or any other
10 device with Internet capability without the prior
11 written approval of the Department;

12 (ii) submit to periodic unannounced examinations
13 of the offender's computer or any other device with
14 Internet capability by the offender's supervising
15 agent, a law enforcement officer, or assigned computer
16 or information technology specialist, including the
17 retrieval and copying of all data from the computer or
18 device and any internal or external peripherals and
19 removal of such information, equipment, or device to
20 conduct a more thorough inspection;

21 (iii) submit to the installation on the offender's
22 computer or device with Internet capability, at the
23 offender's expense, of one or more hardware or software
24 systems to monitor the Internet use; and

25 (iv) submit to any other appropriate restrictions
26 concerning the offender's use of or access to a

1 computer or any other device with Internet capability
2 imposed by the Board, the Department or the offender's
3 supervising agent; and

4 (8) in addition, if a minor:

5 (i) reside with his parents or in a foster home;

6 (ii) attend school;

7 (iii) attend a non-residential program for youth;

8 or

9 (iv) contribute to his own support at home or in a
10 foster home.

11 (b-1) In addition to the conditions set forth in
12 subsections (a) and (b), persons required to register as sex
13 offenders pursuant to the Sex Offender Registration Act, upon
14 release from the custody of the Illinois Department of
15 Corrections, may be required by the Board to comply with the
16 following specific conditions of release:

17 (1) reside only at a Department approved location;

18 (2) comply with all requirements of the Sex Offender
19 Registration Act;

20 (3) notify third parties of the risks that may be
21 occasioned by his or her criminal record;

22 (4) obtain the approval of an agent of the Department
23 of Corrections prior to accepting employment or pursuing a
24 course of study or vocational training and notify the
25 Department prior to any change in employment, study, or
26 training;

1 (5) not be employed or participate in any volunteer
2 activity that involves contact with children, except under
3 circumstances approved in advance and in writing by an
4 agent of the Department of Corrections;

5 (6) be electronically monitored for a minimum of 12
6 months from the date of release as determined by the Board;

7 (7) refrain from entering into a designated geographic
8 area except upon terms approved in advance by an agent of
9 the Department of Corrections. The terms may include
10 consideration of the purpose of the entry, the time of day,
11 and others accompanying the person;

12 (8) refrain from having any contact, including written
13 or oral communications, directly or indirectly, personally
14 or by telephone, letter, or through a third party with
15 certain specified persons including, but not limited to,
16 the victim or the victim's family without the prior written
17 approval of an agent of the Department of Corrections;

18 (9) refrain from all contact, directly or indirectly,
19 personally, by telephone, letter, or through a third party,
20 with minor children without prior identification and
21 approval of an agent of the Department of Corrections;

22 (10) neither possess or have under his or her control
23 any material that is sexually oriented, sexually
24 stimulating, or that shows male or female sex organs or any
25 pictures depicting children under 18 years of age nude or
26 any written or audio material describing sexual

1 intercourse or that depicts or alludes to sexual activity,
2 including but not limited to visual, auditory, telephonic,
3 or electronic media, or any matter obtained through access
4 to any computer or material linked to computer access use;

5 (11) not patronize any business providing sexually
6 stimulating or sexually oriented entertainment nor utilize
7 "900" or adult telephone numbers;

8 (12) not reside near, visit, or be in or about parks,
9 schools, day care centers, swimming pools, beaches,
10 theaters, or any other places where minor children
11 congregate without advance approval of an agent of the
12 Department of Corrections and immediately report any
13 incidental contact with minor children to the Department;

14 (13) not possess or have under his or her control
15 certain specified items of contraband related to the
16 incidence of sexually offending as determined by an agent
17 of the Department of Corrections;

18 (14) may be required to provide a written daily log of
19 activities if directed by an agent of the Department of
20 Corrections;

21 (15) comply with all other special conditions that the
22 Department may impose that restrict the person from
23 high-risk situations and limit access to potential
24 victims;

25 (16) take an annual polygraph exam;

26 (17) maintain a log of his or her travel; or

1 (18) obtain prior approval of his or her parole officer
2 before driving alone in a motor vehicle.

3 (c) The conditions under which the parole or mandatory
4 supervised release is to be served shall be communicated to the
5 person in writing prior to his release, and he shall sign the
6 same before release. A signed copy of these conditions,
7 including a copy of an order of protection where one had been
8 issued by the criminal court, shall be retained by the person
9 and another copy forwarded to the officer in charge of his
10 supervision.

11 (d) After a hearing under Section 3-3-9, the Prisoner
12 Review Board may modify or enlarge the conditions of parole or
13 mandatory supervised release.

14 (e) The Department shall inform all offenders committed to
15 the Department of the optional services available to them upon
16 release and shall assist inmates in availing themselves of such
17 optional services upon their release on a voluntary basis.

18 (f) When the subject is in compliance with all conditions
19 of his or her parole or mandatory supervised release, the
20 subject shall receive a reduction of the period of his or her
21 parole or mandatory supervised release of 90 days upon
22 receiving a high school diploma or passage of the high school
23 level Test of General Educational Development during the period
24 of his or her parole or mandatory supervised release. This
25 reduction in the period of a subject's term of parole or
26 mandatory supervised release shall be available only to

1 subjects who have not previously earned a high school diploma
2 or who have not previously passed the high school level Test of
3 General Educational Development.

4 (Source: P.A. 95-464, eff. 6-1-08; 95-539, eff. 1-1-08; 95-579,
5 eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09; 95-876,
6 eff. 8-21-08; 95-983, eff. 6-1-09; 96-236, eff. 8-11-09;
7 96-262, eff. 1-1-10; 96-328, eff. 8-11-09; 96-362, eff. 1-1-10;
8 96-1000, eff. 7-2-10; 96-1539, eff. 3-4-11; 96-1551, Article 2,
9 Section 1065, eff. 7-1-11; 96-1551, Article 10, Section 10-150,
10 eff. 7-1-11; revised 4-18-11.)

11 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

12 (Text of Section after amendment by P.A. 96-1551)

13 Sec. 5-6-1. Sentences of Probation and of Conditional
14 Discharge and Disposition of Supervision. The General Assembly
15 finds that in order to protect the public, the criminal justice
16 system must compel compliance with the conditions of probation
17 by responding to violations with swift, certain and fair
18 punishments and intermediate sanctions. The Chief Judge of each
19 circuit shall adopt a system of structured, intermediate
20 sanctions for violations of the terms and conditions of a
21 sentence of probation, conditional discharge or disposition of
22 supervision.

23 (a) Except where specifically prohibited by other
24 provisions of this Code, the court shall impose a sentence of
25 probation or conditional discharge upon an offender unless,

1 having regard to the nature and circumstance of the offense,
2 and to the history, character and condition of the offender,
3 the court is of the opinion that:

4 (1) his imprisonment or periodic imprisonment is
5 necessary for the protection of the public; or

6 (2) probation or conditional discharge would deprecate
7 the seriousness of the offender's conduct and would be
8 inconsistent with the ends of justice; or

9 (3) a combination of imprisonment with concurrent or
10 consecutive probation when an offender has been admitted
11 into a drug court program under Section 20 of the Drug
12 Court Treatment Act is necessary for the protection of the
13 public and for the rehabilitation of the offender.

14 The court shall impose as a condition of a sentence of
15 probation, conditional discharge, or supervision, that the
16 probation agency may invoke any sanction from the list of
17 intermediate sanctions adopted by the chief judge of the
18 circuit court for violations of the terms and conditions of the
19 sentence of probation, conditional discharge, or supervision,
20 subject to the provisions of Section 5-6-4 of this Act.

21 (b) The court may impose a sentence of conditional
22 discharge for an offense if the court is of the opinion that
23 neither a sentence of imprisonment nor of periodic imprisonment
24 nor of probation supervision is appropriate.

25 (b-1) Subsections (a) and (b) of this Section do not apply
26 to a defendant charged with a misdemeanor or felony under the

1 Illinois Vehicle Code or reckless homicide under Section 9-3 of
2 the Criminal Code of 1961 if the defendant within the past 12
3 months has been convicted of or pleaded guilty to a misdemeanor
4 or felony under the Illinois Vehicle Code or reckless homicide
5 under Section 9-3 of the Criminal Code of 1961.

6 (c) The court may, upon a plea of guilty or a stipulation
7 by the defendant of the facts supporting the charge or a
8 finding of guilt, defer further proceedings and the imposition
9 of a sentence, and enter an order for supervision of the
10 defendant, if the defendant is not charged with: (i) a Class A
11 misdemeanor, as defined by the following provisions of the
12 Criminal Code of 1961: Sections 11-9.1; 12-3.2; 11-1.50 or
13 12-15; 26-5; 31-1; 31-6; 31-7; subsections (b) and (c) of
14 Section 21-1; paragraph (1) through (5), (8), (10), and (11) of
15 subsection (a) of Section 24-1; (ii) a Class A misdemeanor
16 violation of Section 3.01, 3.03-1, or 4.01 of the Humane Care
17 for Animals Act; or (iii) a felony. If the defendant is not
18 barred from receiving an order for supervision as provided in
19 this subsection, the court may enter an order for supervision
20 after considering the circumstances of the offense, and the
21 history, character and condition of the offender, if the court
22 is of the opinion that:

23 (1) the offender is not likely to commit further
24 crimes;

25 (2) the defendant and the public would be best served
26 if the defendant were not to receive a criminal record; and

1 (3) in the best interests of justice an order of
2 supervision is more appropriate than a sentence otherwise
3 permitted under this Code.

4 (c-5) Subsections (a), (b), and (c) of this Section do not
5 apply to a defendant charged with a second or subsequent
6 violation of Section 6-303 of the Illinois Vehicle Code
7 committed while his or her driver's license, permit or
8 privileges were revoked because of a violation of Section 9-3
9 of the Criminal Code of 1961, relating to the offense of
10 reckless homicide, or a similar provision of a law of another
11 state.

12 (d) The provisions of paragraph (c) shall not apply to a
13 defendant charged with violating Section 11-501 of the Illinois
14 Vehicle Code or a similar provision of a local ordinance when
15 the defendant has previously been:

16 (1) convicted for a violation of Section 11-501 of the
17 Illinois Vehicle Code or a similar provision of a local
18 ordinance or any similar law or ordinance of another state;
19 or

20 (2) assigned supervision for a violation of Section
21 11-501 of the Illinois Vehicle Code or a similar provision
22 of a local ordinance or any similar law or ordinance of
23 another state; or

24 (3) pleaded guilty to or stipulated to the facts
25 supporting a charge or a finding of guilty to a violation
26 of Section 11-503 of the Illinois Vehicle Code or a similar

1 provision of a local ordinance or any similar law or
2 ordinance of another state, and the plea or stipulation was
3 the result of a plea agreement.

4 The court shall consider the statement of the prosecuting
5 authority with regard to the standards set forth in this
6 Section.

7 (e) The provisions of paragraph (c) shall not apply to a
8 defendant charged with violating Section 16-25 or 16A-3 of the
9 Criminal Code of 1961 if said defendant has within the last 5
10 years been:

11 (1) convicted for a violation of Section 16-25 or 16A-3
12 of the Criminal Code of 1961; or

13 (2) assigned supervision for a violation of Section
14 16-25 or 16A-3 of the Criminal Code of 1961.

15 The court shall consider the statement of the prosecuting
16 authority with regard to the standards set forth in this
17 Section.

18 (f) The provisions of paragraph (c) shall not apply to a
19 defendant charged with violating Sections 15-111, 15-112,
20 15-301, paragraph (b) of Section 6-104, Section 11-605, Section
21 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a
22 similar provision of a local ordinance.

23 (g) Except as otherwise provided in paragraph (i) of this
24 Section, the provisions of paragraph (c) shall not apply to a
25 defendant charged with violating Section 3-707, 3-708, 3-710,
26 or 5-401.3 of the Illinois Vehicle Code or a similar provision

1 of a local ordinance if the defendant has within the last 5
2 years been:

3 (1) convicted for a violation of Section 3-707, 3-708,
4 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
5 provision of a local ordinance; or

6 (2) assigned supervision for a violation of Section
7 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle
8 Code or a similar provision of a local ordinance.

9 The court shall consider the statement of the prosecuting
10 authority with regard to the standards set forth in this
11 Section.

12 (h) The provisions of paragraph (c) shall not apply to a
13 defendant under the age of 21 years charged with violating a
14 serious traffic offense as defined in Section 1-187.001 of the
15 Illinois Vehicle Code:

16 (1) unless the defendant, upon payment of the fines,
17 penalties, and costs provided by law, agrees to attend and
18 successfully complete a traffic safety program approved by
19 the court under standards set by the Conference of Chief
20 Circuit Judges. The accused shall be responsible for
21 payment of any traffic safety program fees. If the accused
22 fails to file a certificate of successful completion on or
23 before the termination date of the supervision order, the
24 supervision shall be summarily revoked and conviction
25 entered. The provisions of Supreme Court Rule 402 relating
26 to pleas of guilty do not apply in cases when a defendant

1 enters a guilty plea under this provision; or

2 (2) if the defendant has previously been sentenced
3 under the provisions of paragraph (c) on or after January
4 1, 1998 for any serious traffic offense as defined in
5 Section 1-187.001 of the Illinois Vehicle Code.

6 (h-1) The provisions of paragraph (c) shall not apply to a
7 defendant under the age of 21 years charged with an offense
8 against traffic regulations governing the movement of vehicles
9 or any violation of Section 6-107 or Section 12-603.1 of the
10 Illinois Vehicle Code, unless the defendant, upon payment of
11 the fines, penalties, and costs provided by law, agrees to
12 attend and successfully complete a traffic safety program
13 approved by the court under standards set by the Conference of
14 Chief Circuit Judges. The accused shall be responsible for
15 payment of any traffic safety program fees. If the accused
16 fails to file a certificate of successful completion on or
17 before the termination date of the supervision order, the
18 supervision shall be summarily revoked and conviction entered.
19 The provisions of Supreme Court Rule 402 relating to pleas of
20 guilty do not apply in cases when a defendant enters a guilty
21 plea under this provision.

22 (i) The provisions of paragraph (c) shall not apply to a
23 defendant charged with violating Section 3-707 of the Illinois
24 Vehicle Code or a similar provision of a local ordinance if the
25 defendant has been assigned supervision for a violation of
26 Section 3-707 of the Illinois Vehicle Code or a similar

1 provision of a local ordinance.

2 (j) The provisions of paragraph (c) shall not apply to a
3 defendant charged with violating Section 6-303 of the Illinois
4 Vehicle Code or a similar provision of a local ordinance when
5 the revocation or suspension was for a violation of Section
6 11-501 or a similar provision of a local ordinance or a
7 violation of Section 11-501.1 or paragraph (b) of Section
8 11-401 of the Illinois Vehicle Code if the defendant has within
9 the last 10 years been:

10 (1) convicted for a violation of Section 6-303 of the
11 Illinois Vehicle Code or a similar provision of a local
12 ordinance; or

13 (2) assigned supervision for a violation of Section
14 6-303 of the Illinois Vehicle Code or a similar provision
15 of a local ordinance.

16 (k) The provisions of paragraph (c) shall not apply to a
17 defendant charged with violating any provision of the Illinois
18 Vehicle Code or a similar provision of a local ordinance that
19 governs the movement of vehicles if, within the 12 months
20 preceding the date of the defendant's arrest, the defendant has
21 been assigned court supervision on 2 occasions for a violation
22 that governs the movement of vehicles under the Illinois
23 Vehicle Code or a similar provision of a local ordinance. The
24 provisions of this paragraph (k) do not apply to a defendant
25 charged with violating Section 11-501 of the Illinois Vehicle
26 Code or a similar provision of a local ordinance.

1 (1) A defendant charged with violating any provision of the
2 Illinois Vehicle Code or a similar provision of a local
3 ordinance who receives a disposition of supervision under
4 subsection (c) shall pay an additional fee of \$29, to be
5 collected as provided in Sections 27.5 and 27.6 of the Clerks
6 of Courts Act. In addition to the \$29 fee, the person shall
7 also pay a fee of \$6, which, if not waived by the court, shall
8 be collected as provided in Sections 27.5 and 27.6 of the
9 Clerks of Courts Act. The \$29 fee shall be disbursed as
10 provided in Section 16-104c of the Illinois Vehicle Code. If
11 the \$6 fee is collected, \$5.50 of the fee shall be deposited
12 into the Circuit Court Clerk Operation and Administrative Fund
13 created by the Clerk of the Circuit Court and 50 cents of the
14 fee shall be deposited into the Prisoner Review Board Vehicle
15 and Equipment Fund in the State treasury.

16 (m) Any person convicted of, pleading guilty to, or placed
17 on supervision for a serious traffic violation, as defined in
18 Section 1-187.001 of the Illinois Vehicle Code, a violation of
19 Section 11-501 of the Illinois Vehicle Code, or a violation of
20 a similar provision of a local ordinance shall pay an
21 additional fee of \$35, to be disbursed as provided in Section
22 16-104d of that Code.

23 This subsection (m) becomes inoperative 7 years after
24 October 13, 2007 (the effective date of Public Act 95-154).

25 (n) The provisions of paragraph (c) shall not apply to any
26 person under the age of 18 who commits an offense against

1 traffic regulations governing the movement of vehicles or any
2 violation of Section 6-107 or Section 12-603.1 of the Illinois
3 Vehicle Code, except upon personal appearance of the defendant
4 in court and upon the written consent of the defendant's parent
5 or legal guardian, executed before the presiding judge. The
6 presiding judge shall have the authority to waive this
7 requirement upon the showing of good cause by the defendant.

8 (o) The provisions of paragraph (c) shall not apply to a
9 defendant charged with violating Section 6-303 of the Illinois
10 Vehicle Code or a similar provision of a local ordinance when
11 the suspension was for a violation of Section 11-501.1 of the
12 Illinois Vehicle Code and when:

13 (1) at the time of the violation of Section 11-501.1 of
14 the Illinois Vehicle Code, the defendant was a first
15 offender pursuant to Section 11-500 of the Illinois Vehicle
16 Code and the defendant failed to obtain a monitoring device
17 driving permit; or

18 (2) at the time of the violation of Section 11-501.1 of
19 the Illinois Vehicle Code, the defendant was a first
20 offender pursuant to Section 11-500 of the Illinois Vehicle
21 Code, had subsequently obtained a monitoring device
22 driving permit, but was driving a vehicle not equipped with
23 a breath alcohol ignition interlock device as defined in
24 Section 1-129.1 of the Illinois Vehicle Code.

25 (p) The provisions of paragraph (c) shall not apply to a
26 defendant charged with violating subsection (b) of Section

1 11-601.5 of the Illinois Vehicle Code or a similar provision of
2 a local ordinance.

3 (Source: P.A. 95-154, eff. 10-13-07; 95-302, eff. 1-1-08;
4 95-310, eff. 1-1-08; 95-377, eff. 1-1-08; 95-400, eff. 1-1-09;
5 95-428, eff. 8-24-07; 95-876, eff. 8-21-08; 96-253, eff.
6 8-11-09; 96-286, eff. 8-11-09; 96-328, eff. 8-11-09; 96-625,
7 eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1002, eff. 1-1-11;
8 96-1175, eff. 9-20-10; 96-1551, eff. 7-1-11.)

9 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

10 (Text of Section after amendment by P.A. 96-1551)

11 Sec. 5-6-3. Conditions of Probation and of Conditional
12 Discharge.

13 (a) The conditions of probation and of conditional
14 discharge shall be that the person:

15 (1) not violate any criminal statute of any
16 jurisdiction;

17 (2) report to or appear in person before such person or
18 agency as directed by the court;

19 (3) refrain from possessing a firearm or other
20 dangerous weapon where the offense is a felony or, if a
21 misdemeanor, the offense involved the intentional or
22 knowing infliction of bodily harm or threat of bodily harm;

23 (4) not leave the State without the consent of the
24 court or, in circumstances in which the reason for the
25 absence is of such an emergency nature that prior consent

1 by the court is not possible, without the prior
2 notification and approval of the person's probation
3 officer. Transfer of a person's probation or conditional
4 discharge supervision to another state is subject to
5 acceptance by the other state pursuant to the Interstate
6 Compact for Adult Offender Supervision;

7 (5) permit the probation officer to visit him at his
8 home or elsewhere to the extent necessary to discharge his
9 duties;

10 (6) perform no less than 30 hours of community service
11 and not more than 120 hours of community service, if
12 community service is available in the jurisdiction and is
13 funded and approved by the county board where the offense
14 was committed, where the offense was related to or in
15 furtherance of the criminal activities of an organized gang
16 and was motivated by the offender's membership in or
17 allegiance to an organized gang. The community service
18 shall include, but not be limited to, the cleanup and
19 repair of any damage caused by a violation of Section
20 21-1.3 of the Criminal Code of 1961 and similar damage to
21 property located within the municipality or county in which
22 the violation occurred. When possible and reasonable, the
23 community service should be performed in the offender's
24 neighborhood. For purposes of this Section, "organized
25 gang" has the meaning ascribed to it in Section 10 of the
26 Illinois Streetgang Terrorism Omnibus Prevention Act;

1 (7) if he or she is at least 17 years of age and has
2 been sentenced to probation or conditional discharge for a
3 misdemeanor or felony in a county of 3,000,000 or more
4 inhabitants and has not been previously convicted of a
5 misdemeanor or felony, may be required by the sentencing
6 court to attend educational courses designed to prepare the
7 defendant for a high school diploma and to work toward a
8 high school diploma or to work toward passing the high
9 school level Test of General Educational Development (GED)
10 or to work toward completing a vocational training program
11 approved by the court. The person on probation or
12 conditional discharge must attend a public institution of
13 education to obtain the educational or vocational training
14 required by this clause (7). The court shall revoke the
15 probation or conditional discharge of a person who wilfully
16 fails to comply with this clause (7). The person on
17 probation or conditional discharge shall be required to pay
18 for the cost of the educational courses or GED test, if a
19 fee is charged for those courses or test. The court shall
20 resentence the offender whose probation or conditional
21 discharge has been revoked as provided in Section 5-6-4.
22 This clause (7) does not apply to a person who has a high
23 school diploma or has successfully passed the GED test.
24 This clause (7) does not apply to a person who is
25 determined by the court to be developmentally disabled or
26 otherwise mentally incapable of completing the educational

1 or vocational program;

2 (8) if convicted of possession of a substance
3 prohibited by the Cannabis Control Act, the Illinois
4 Controlled Substances Act, or the Methamphetamine Control
5 and Community Protection Act after a previous conviction or
6 disposition of supervision for possession of a substance
7 prohibited by the Cannabis Control Act or Illinois
8 Controlled Substances Act or after a sentence of probation
9 under Section 10 of the Cannabis Control Act, Section 410
10 of the Illinois Controlled Substances Act, or Section 70 of
11 the Methamphetamine Control and Community Protection Act
12 and upon a finding by the court that the person is
13 addicted, undergo treatment at a substance abuse program
14 approved by the court;

15 (8.5) if convicted of a felony sex offense as defined
16 in the Sex Offender Management Board Act, the person shall
17 undergo and successfully complete sex offender treatment
18 by a treatment provider approved by the Board and conducted
19 in conformance with the standards developed under the Sex
20 Offender Management Board Act;

21 (8.6) if convicted of a sex offense as defined in the
22 Sex Offender Management Board Act, refrain from residing at
23 the same address or in the same condominium unit or
24 apartment unit or in the same condominium complex or
25 apartment complex with another person he or she knows or
26 reasonably should know is a convicted sex offender or has

1 been placed on supervision for a sex offense; the
2 provisions of this paragraph do not apply to a person
3 convicted of a sex offense who is placed in a Department of
4 Corrections licensed transitional housing facility for sex
5 offenders;

6 (8.7) if convicted for an offense committed on or after
7 June 1, 2008 (the effective date of Public Act 95-464) that
8 would qualify the accused as a child sex offender as
9 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
10 1961, refrain from communicating with or contacting, by
11 means of the Internet, a person who is not related to the
12 accused and whom the accused reasonably believes to be
13 under 18 years of age; for purposes of this paragraph
14 (8.7), "Internet" has the meaning ascribed to it in Section
15 16-0.1 ~~16-5~~ of the Criminal Code of 1961; and a person is
16 not related to the accused if the person is not: (i) the
17 spouse, brother, or sister of the accused; (ii) a
18 descendant of the accused; (iii) a first or second cousin
19 of the accused; or (iv) a step-child or adopted child of
20 the accused;

21 (8.8) if convicted for an offense under Section 11-6,
22 11-9.1, 11-14.4 that involves soliciting for a juvenile
23 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
24 of the Criminal Code of 1961, or any attempt to commit any
25 of these offenses, committed on or after June 1, 2009 (the
26 effective date of Public Act 95-983):

1 (i) not access or use a computer or any other
2 device with Internet capability without the prior
3 written approval of the offender's probation officer,
4 except in connection with the offender's employment or
5 search for employment with the prior approval of the
6 offender's probation officer;

7 (ii) submit to periodic unannounced examinations
8 of the offender's computer or any other device with
9 Internet capability by the offender's probation
10 officer, a law enforcement officer, or assigned
11 computer or information technology specialist,
12 including the retrieval and copying of all data from
13 the computer or device and any internal or external
14 peripherals and removal of such information,
15 equipment, or device to conduct a more thorough
16 inspection;

17 (iii) submit to the installation on the offender's
18 computer or device with Internet capability, at the
19 offender's expense, of one or more hardware or software
20 systems to monitor the Internet use; and

21 (iv) submit to any other appropriate restrictions
22 concerning the offender's use of or access to a
23 computer or any other device with Internet capability
24 imposed by the offender's probation officer;

25 (8.9) if convicted of a sex offense as defined in the
26 Sex Offender Registration Act committed on or after January

1 1, 2010 (the effective date of Public Act 96-262), refrain
2 from accessing or using a social networking website as
3 defined in Section 17-0.5 of the Criminal Code of 1961;

4 (9) if convicted of a felony, physically surrender at a
5 time and place designated by the court, his or her Firearm
6 Owner's Identification Card and any and all firearms in his
7 or her possession;

8 (10) if convicted of a sex offense as defined in
9 subsection (a-5) of Section 3-1-2 of this Code, unless the
10 offender is a parent or guardian of the person under 18
11 years of age present in the home and no non-familial minors
12 are present, not participate in a holiday event involving
13 children under 18 years of age, such as distributing candy
14 or other items to children on Halloween, wearing a Santa
15 Claus costume on or preceding Christmas, being employed as
16 a department store Santa Claus, or wearing an Easter Bunny
17 costume on or preceding Easter; and

18 (11) if convicted of a sex offense as defined in
19 Section 2 of the Sex Offender Registration Act committed on
20 or after January 1, 2010 (the effective date of Public Act
21 96-362) that requires the person to register as a sex
22 offender under that Act, may not knowingly use any computer
23 scrub software on any computer that the sex offender uses.

24 (b) The Court may in addition to other reasonable
25 conditions relating to the nature of the offense or the
26 rehabilitation of the defendant as determined for each

1 defendant in the proper discretion of the Court require that
2 the person:

3 (1) serve a term of periodic imprisonment under Article
4 7 for a period not to exceed that specified in paragraph
5 (d) of Section 5-7-1;

6 (2) pay a fine and costs;

7 (3) work or pursue a course of study or vocational
8 training;

9 (4) undergo medical, psychological or psychiatric
10 treatment; or treatment for drug addiction or alcoholism;

11 (5) attend or reside in a facility established for the
12 instruction or residence of defendants on probation;

13 (6) support his dependents;

14 (7) and in addition, if a minor:

15 (i) reside with his parents or in a foster home;

16 (ii) attend school;

17 (iii) attend a non-residential program for youth;

18 (iv) contribute to his own support at home or in a
19 foster home;

20 (v) with the consent of the superintendent of the
21 facility, attend an educational program at a facility
22 other than the school in which the offense was
23 committed if he or she is convicted of a crime of
24 violence as defined in Section 2 of the Crime Victims
25 Compensation Act committed in a school, on the real
26 property comprising a school, or within 1,000 feet of

1 the real property comprising a school;

2 (8) make restitution as provided in Section 5-5-6 of
3 this Code;

4 (9) perform some reasonable public or community
5 service;

6 (10) serve a term of home confinement. In addition to
7 any other applicable condition of probation or conditional
8 discharge, the conditions of home confinement shall be that
9 the offender:

10 (i) remain within the interior premises of the
11 place designated for his confinement during the hours
12 designated by the court;

13 (ii) admit any person or agent designated by the
14 court into the offender's place of confinement at any
15 time for purposes of verifying the offender's
16 compliance with the conditions of his confinement; and

17 (iii) if further deemed necessary by the court or
18 the Probation or Court Services Department, be placed
19 on an approved electronic monitoring device, subject
20 to Article 8A of Chapter V;

21 (iv) for persons convicted of any alcohol,
22 cannabis or controlled substance violation who are
23 placed on an approved monitoring device as a condition
24 of probation or conditional discharge, the court shall
25 impose a reasonable fee for each day of the use of the
26 device, as established by the county board in

1 subsection (g) of this Section, unless after
2 determining the inability of the offender to pay the
3 fee, the court assesses a lesser fee or no fee as the
4 case may be. This fee shall be imposed in addition to
5 the fees imposed under subsections (g) and (i) of this
6 Section. The fee shall be collected by the clerk of the
7 circuit court. The clerk of the circuit court shall pay
8 all monies collected from this fee to the county
9 treasurer for deposit in the substance abuse services
10 fund under Section 5-1086.1 of the Counties Code; and

11 (v) for persons convicted of offenses other than
12 those referenced in clause (iv) above and who are
13 placed on an approved monitoring device as a condition
14 of probation or conditional discharge, the court shall
15 impose a reasonable fee for each day of the use of the
16 device, as established by the county board in
17 subsection (g) of this Section, unless after
18 determining the inability of the defendant to pay the
19 fee, the court assesses a lesser fee or no fee as the
20 case may be. This fee shall be imposed in addition to
21 the fees imposed under subsections (g) and (i) of this
22 Section. The fee shall be collected by the clerk of the
23 circuit court. The clerk of the circuit court shall pay
24 all monies collected from this fee to the county
25 treasurer who shall use the monies collected to defray
26 the costs of corrections. The county treasurer shall

1 deposit the fee collected in the county working cash
2 fund under Section 6-27001 or Section 6-29002 of the
3 Counties Code, as the case may be.

4 (11) comply with the terms and conditions of an order
5 of protection issued by the court pursuant to the Illinois
6 Domestic Violence Act of 1986, as now or hereafter amended,
7 or an order of protection issued by the court of another
8 state, tribe, or United States territory. A copy of the
9 order of protection shall be transmitted to the probation
10 officer or agency having responsibility for the case;

11 (12) reimburse any "local anti-crime program" as
12 defined in Section 7 of the Anti-Crime Advisory Council Act
13 for any reasonable expenses incurred by the program on the
14 offender's case, not to exceed the maximum amount of the
15 fine authorized for the offense for which the defendant was
16 sentenced;

17 (13) contribute a reasonable sum of money, not to
18 exceed the maximum amount of the fine authorized for the
19 offense for which the defendant was sentenced, (i) to a
20 "local anti-crime program", as defined in Section 7 of the
21 Anti-Crime Advisory Council Act, or (ii) for offenses under
22 the jurisdiction of the Department of Natural Resources, to
23 the fund established by the Department of Natural Resources
24 for the purchase of evidence for investigation purposes and
25 to conduct investigations as outlined in Section 805-105 of
26 the Department of Natural Resources (Conservation) Law;

1 (14) refrain from entering into a designated
2 geographic area except upon such terms as the court finds
3 appropriate. Such terms may include consideration of the
4 purpose of the entry, the time of day, other persons
5 accompanying the defendant, and advance approval by a
6 probation officer, if the defendant has been placed on
7 probation or advance approval by the court, if the
8 defendant was placed on conditional discharge;

9 (15) refrain from having any contact, directly or
10 indirectly, with certain specified persons or particular
11 types of persons, including but not limited to members of
12 street gangs and drug users or dealers;

13 (16) refrain from having in his or her body the
14 presence of any illicit drug prohibited by the Cannabis
15 Control Act, the Illinois Controlled Substances Act, or the
16 Methamphetamine Control and Community Protection Act,
17 unless prescribed by a physician, and submit samples of his
18 or her blood or urine or both for tests to determine the
19 presence of any illicit drug;

20 (17) if convicted for an offense committed on or after
21 June 1, 2008 (the effective date of Public Act 95-464) that
22 would qualify the accused as a child sex offender as
23 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
24 1961, refrain from communicating with or contacting, by
25 means of the Internet, a person who is related to the
26 accused and whom the accused reasonably believes to be

1 under 18 years of age; for purposes of this paragraph (17),
2 "Internet" has the meaning ascribed to it in Section 16-0.1
3 ~~16J-5~~ of the Criminal Code of 1961; and a person is related
4 to the accused if the person is: (i) the spouse, brother,
5 or sister of the accused; (ii) a descendant of the accused;
6 (iii) a first or second cousin of the accused; or (iv) a
7 step-child or adopted child of the accused;

8 (18) if convicted for an offense committed on or after
9 June 1, 2009 (the effective date of Public Act 95-983) that
10 would qualify as a sex offense as defined in the Sex
11 Offender Registration Act:

12 (i) not access or use a computer or any other
13 device with Internet capability without the prior
14 written approval of the offender's probation officer,
15 except in connection with the offender's employment or
16 search for employment with the prior approval of the
17 offender's probation officer;

18 (ii) submit to periodic unannounced examinations
19 of the offender's computer or any other device with
20 Internet capability by the offender's probation
21 officer, a law enforcement officer, or assigned
22 computer or information technology specialist,
23 including the retrieval and copying of all data from
24 the computer or device and any internal or external
25 peripherals and removal of such information,
26 equipment, or device to conduct a more thorough

1 inspection;

2 (iii) submit to the installation on the offender's
3 computer or device with Internet capability, at the
4 subject's expense, of one or more hardware or software
5 systems to monitor the Internet use; and

6 (iv) submit to any other appropriate restrictions
7 concerning the offender's use of or access to a
8 computer or any other device with Internet capability
9 imposed by the offender's probation officer; and

10 (19) refrain from possessing a firearm or other
11 dangerous weapon where the offense is a misdemeanor that
12 did not involve the intentional or knowing infliction of
13 bodily harm or threat of bodily harm.

14 (c) The court may as a condition of probation or of
15 conditional discharge require that a person under 18 years of
16 age found guilty of any alcohol, cannabis or controlled
17 substance violation, refrain from acquiring a driver's license
18 during the period of probation or conditional discharge. If
19 such person is in possession of a permit or license, the court
20 may require that the minor refrain from driving or operating
21 any motor vehicle during the period of probation or conditional
22 discharge, except as may be necessary in the course of the
23 minor's lawful employment.

24 (d) An offender sentenced to probation or to conditional
25 discharge shall be given a certificate setting forth the
26 conditions thereof.

1 (e) Except where the offender has committed a fourth or
2 subsequent violation of subsection (c) of Section 6-303 of the
3 Illinois Vehicle Code, the court shall not require as a
4 condition of the sentence of probation or conditional discharge
5 that the offender be committed to a period of imprisonment in
6 excess of 6 months. This 6 month limit shall not include
7 periods of confinement given pursuant to a sentence of county
8 impact incarceration under Section 5-8-1.2.

9 Persons committed to imprisonment as a condition of
10 probation or conditional discharge shall not be committed to
11 the Department of Corrections.

12 (f) The court may combine a sentence of periodic
13 imprisonment under Article 7 or a sentence to a county impact
14 incarceration program under Article 8 with a sentence of
15 probation or conditional discharge.

16 (g) An offender sentenced to probation or to conditional
17 discharge and who during the term of either undergoes mandatory
18 drug or alcohol testing, or both, or is assigned to be placed
19 on an approved electronic monitoring device, shall be ordered
20 to pay all costs incidental to such mandatory drug or alcohol
21 testing, or both, and all costs incidental to such approved
22 electronic monitoring in accordance with the defendant's
23 ability to pay those costs. The county board with the
24 concurrence of the Chief Judge of the judicial circuit in which
25 the county is located shall establish reasonable fees for the
26 cost of maintenance, testing, and incidental expenses related

1 to the mandatory drug or alcohol testing, or both, and all
2 costs incidental to approved electronic monitoring, involved
3 in a successful probation program for the county. The
4 concurrence of the Chief Judge shall be in the form of an
5 administrative order. The fees shall be collected by the clerk
6 of the circuit court. The clerk of the circuit court shall pay
7 all moneys collected from these fees to the county treasurer
8 who shall use the moneys collected to defray the costs of drug
9 testing, alcohol testing, and electronic monitoring. The
10 county treasurer shall deposit the fees collected in the county
11 working cash fund under Section 6-27001 or Section 6-29002 of
12 the Counties Code, as the case may be.

13 (h) Jurisdiction over an offender may be transferred from
14 the sentencing court to the court of another circuit with the
15 concurrence of both courts. Further transfers or retransfers of
16 jurisdiction are also authorized in the same manner. The court
17 to which jurisdiction has been transferred shall have the same
18 powers as the sentencing court.

19 (i) The court shall impose upon an offender sentenced to
20 probation after January 1, 1989 or to conditional discharge
21 after January 1, 1992 or to community service under the
22 supervision of a probation or court services department after
23 January 1, 2004, as a condition of such probation or
24 conditional discharge or supervised community service, a fee of
25 \$50 for each month of probation or conditional discharge
26 supervision or supervised community service ordered by the

1 court, unless after determining the inability of the person
2 sentenced to probation or conditional discharge or supervised
3 community service to pay the fee, the court assesses a lesser
4 fee. The court may not impose the fee on a minor who is made a
5 ward of the State under the Juvenile Court Act of 1987 while
6 the minor is in placement. The fee shall be imposed only upon
7 an offender who is actively supervised by the probation and
8 court services department. The fee shall be collected by the
9 clerk of the circuit court. The clerk of the circuit court
10 shall pay all monies collected from this fee to the county
11 treasurer for deposit in the probation and court services fund
12 under Section 15.1 of the Probation and Probation Officers Act.

13 A circuit court may not impose a probation fee under this
14 subsection (i) in excess of \$25 per month unless the circuit
15 court has adopted, by administrative order issued by the chief
16 judge, a standard probation fee guide determining an offender's
17 ability to pay. Of the amount collected as a probation fee, up
18 to \$5 of that fee collected per month may be used to provide
19 services to crime victims and their families.

20 The Court may only waive probation fees based on an
21 offender's ability to pay. The probation department may
22 re-evaluate an offender's ability to pay every 6 months, and,
23 with the approval of the Director of Court Services or the
24 Chief Probation Officer, adjust the monthly fee amount. An
25 offender may elect to pay probation fees due in a lump sum. Any
26 offender that has been assigned to the supervision of a

1 probation department, or has been transferred either under
2 subsection (h) of this Section or under any interstate compact,
3 shall be required to pay probation fees to the department
4 supervising the offender, based on the offender's ability to
5 pay.

6 This amendatory Act of the 93rd General Assembly deletes
7 the \$10 increase in the fee under this subsection that was
8 imposed by Public Act 93-616. This deletion is intended to
9 control over any other Act of the 93rd General Assembly that
10 retains or incorporates that fee increase.

11 (i-5) In addition to the fees imposed under subsection (i)
12 of this Section, in the case of an offender convicted of a
13 felony sex offense (as defined in the Sex Offender Management
14 Board Act) or an offense that the court or probation department
15 has determined to be sexually motivated (as defined in the Sex
16 Offender Management Board Act), the court or the probation
17 department shall assess additional fees to pay for all costs of
18 treatment, assessment, evaluation for risk and treatment, and
19 monitoring the offender, based on that offender's ability to
20 pay those costs either as they occur or under a payment plan.

21 (j) All fines and costs imposed under this Section for any
22 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
23 Code, or a similar provision of a local ordinance, and any
24 violation of the Child Passenger Protection Act, or a similar
25 provision of a local ordinance, shall be collected and
26 disbursed by the circuit clerk as provided under Section 27.5

1 of the Clerks of Courts Act.

2 (k) Any offender who is sentenced to probation or
3 conditional discharge for a felony sex offense as defined in
4 the Sex Offender Management Board Act or any offense that the
5 court or probation department has determined to be sexually
6 motivated as defined in the Sex Offender Management Board Act
7 shall be required to refrain from any contact, directly or
8 indirectly, with any persons specified by the court and shall
9 be available for all evaluations and treatment programs
10 required by the court or the probation department.

11 (l) The court may order an offender who is sentenced to
12 probation or conditional discharge for a violation of an order
13 of protection be placed under electronic surveillance as
14 provided in Section 5-8A-7 of this Code.

15 (Source: P.A. 95-331, eff. 8-21-07; 95-464, eff. 6-1-08;
16 95-578, eff. 6-1-08; 95-696, eff. 6-1-08; 95-773, eff. 1-1-09;
17 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; 96-262, eff. 1-1-10;
18 96-328, eff. 8-11-09; 96-362, eff. 1-1-10; 96-695, eff.
19 8-25-09; 96-1000, eff. 7-2-10; 96-1414, eff. 1-1-11; 96-1551,
20 Article 2, Section 1065, eff. 7-1-11; 96-1551, Article 10,
21 Section 10-150, eff. 7-1-11; revised 4-21-11.)

22 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

23 (Text of Section after amendment by P.A. 96-1551)

24 Sec. 5-6-3.1. Incidents and Conditions of Supervision.

25 (a) When a defendant is placed on supervision, the court

1 shall enter an order for supervision specifying the period of
2 such supervision, and shall defer further proceedings in the
3 case until the conclusion of the period.

4 (b) The period of supervision shall be reasonable under all
5 of the circumstances of the case, but may not be longer than 2
6 years, unless the defendant has failed to pay the assessment
7 required by Section 10.3 of the Cannabis Control Act, Section
8 411.2 of the Illinois Controlled Substances Act, or Section 80
9 of the Methamphetamine Control and Community Protection Act, in
10 which case the court may extend supervision beyond 2 years.
11 Additionally, the court shall order the defendant to perform no
12 less than 30 hours of community service and not more than 120
13 hours of community service, if community service is available
14 in the jurisdiction and is funded and approved by the county
15 board where the offense was committed, when the offense (1) was
16 related to or in furtherance of the criminal activities of an
17 organized gang or was motivated by the defendant's membership
18 in or allegiance to an organized gang; or (2) is a violation of
19 any Section of Article 24 of the Criminal Code of 1961 where a
20 disposition of supervision is not prohibited by Section 5-6-1
21 of this Code. The community service shall include, but not be
22 limited to, the cleanup and repair of any damage caused by
23 violation of Section 21-1.3 of the Criminal Code of 1961 and
24 similar damages to property located within the municipality or
25 county in which the violation occurred. Where possible and
26 reasonable, the community service should be performed in the

1 offender's neighborhood.

2 For the purposes of this Section, "organized gang" has the
3 meaning ascribed to it in Section 10 of the Illinois Streetgang
4 Terrorism Omnibus Prevention Act.

5 (c) The court may in addition to other reasonable
6 conditions relating to the nature of the offense or the
7 rehabilitation of the defendant as determined for each
8 defendant in the proper discretion of the court require that
9 the person:

10 (1) make a report to and appear in person before or
11 participate with the court or such courts, person, or
12 social service agency as directed by the court in the order
13 of supervision;

14 (2) pay a fine and costs;

15 (3) work or pursue a course of study or vocational
16 training;

17 (4) undergo medical, psychological or psychiatric
18 treatment; or treatment for drug addiction or alcoholism;

19 (5) attend or reside in a facility established for the
20 instruction or residence of defendants on probation;

21 (6) support his dependents;

22 (7) refrain from possessing a firearm or other
23 dangerous weapon;

24 (8) and in addition, if a minor:

25 (i) reside with his parents or in a foster home;

26 (ii) attend school;

1 (iii) attend a non-residential program for youth;

2 (iv) contribute to his own support at home or in a
3 foster home; or

4 (v) with the consent of the superintendent of the
5 facility, attend an educational program at a facility
6 other than the school in which the offense was
7 committed if he or she is placed on supervision for a
8 crime of violence as defined in Section 2 of the Crime
9 Victims Compensation Act committed in a school, on the
10 real property comprising a school, or within 1,000 feet
11 of the real property comprising a school;

12 (9) make restitution or reparation in an amount not to
13 exceed actual loss or damage to property and pecuniary loss
14 or make restitution under Section 5-5-6 to a domestic
15 violence shelter. The court shall determine the amount and
16 conditions of payment;

17 (10) perform some reasonable public or community
18 service;

19 (11) comply with the terms and conditions of an order
20 of protection issued by the court pursuant to the Illinois
21 Domestic Violence Act of 1986 or an order of protection
22 issued by the court of another state, tribe, or United
23 States territory. If the court has ordered the defendant to
24 make a report and appear in person under paragraph (1) of
25 this subsection, a copy of the order of protection shall be
26 transmitted to the person or agency so designated by the

1 court;

2 (12) reimburse any "local anti-crime program" as
3 defined in Section 7 of the Anti-Crime Advisory Council Act
4 for any reasonable expenses incurred by the program on the
5 offender's case, not to exceed the maximum amount of the
6 fine authorized for the offense for which the defendant was
7 sentenced;

8 (13) contribute a reasonable sum of money, not to
9 exceed the maximum amount of the fine authorized for the
10 offense for which the defendant was sentenced, (i) to a
11 "local anti-crime program", as defined in Section 7 of the
12 Anti-Crime Advisory Council Act, or (ii) for offenses under
13 the jurisdiction of the Department of Natural Resources, to
14 the fund established by the Department of Natural Resources
15 for the purchase of evidence for investigation purposes and
16 to conduct investigations as outlined in Section 805-105 of
17 the Department of Natural Resources (Conservation) Law;

18 (14) refrain from entering into a designated
19 geographic area except upon such terms as the court finds
20 appropriate. Such terms may include consideration of the
21 purpose of the entry, the time of day, other persons
22 accompanying the defendant, and advance approval by a
23 probation officer;

24 (15) refrain from having any contact, directly or
25 indirectly, with certain specified persons or particular
26 types of person, including but not limited to members of

1 street gangs and drug users or dealers;

2 (16) refrain from having in his or her body the
3 presence of any illicit drug prohibited by the Cannabis
4 Control Act, the Illinois Controlled Substances Act, or the
5 Methamphetamine Control and Community Protection Act,
6 unless prescribed by a physician, and submit samples of his
7 or her blood or urine or both for tests to determine the
8 presence of any illicit drug;

9 (17) refrain from operating any motor vehicle not
10 equipped with an ignition interlock device as defined in
11 Section 1-129.1 of the Illinois Vehicle Code; under this
12 condition the court may allow a defendant who is not
13 self-employed to operate a vehicle owned by the defendant's
14 employer that is not equipped with an ignition interlock
15 device in the course and scope of the defendant's
16 employment; and

17 (18) if placed on supervision for a sex offense as
18 defined in subsection (a-5) of Section 3-1-2 of this Code,
19 unless the offender is a parent or guardian of the person
20 under 18 years of age present in the home and no
21 non-familial minors are present, not participate in a
22 holiday event involving children under 18 years of age,
23 such as distributing candy or other items to children on
24 Halloween, wearing a Santa Claus costume on or preceding
25 Christmas, being employed as a department store Santa
26 Claus, or wearing an Easter Bunny costume on or preceding

1 Easter.

2 (d) The court shall defer entering any judgment on the
3 charges until the conclusion of the supervision.

4 (e) At the conclusion of the period of supervision, if the
5 court determines that the defendant has successfully complied
6 with all of the conditions of supervision, the court shall
7 discharge the defendant and enter a judgment dismissing the
8 charges.

9 (f) Discharge and dismissal upon a successful conclusion of
10 a disposition of supervision shall be deemed without
11 adjudication of guilt and shall not be termed a conviction for
12 purposes of disqualification or disabilities imposed by law
13 upon conviction of a crime. Two years after the discharge and
14 dismissal under this Section, unless the disposition of
15 supervision was for a violation of Sections 3-707, 3-708,
16 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a
17 similar provision of a local ordinance, or for a violation of
18 Sections 12-3.2, 16-25, or 16A-3 of the Criminal Code of 1961,
19 in which case it shall be 5 years after discharge and
20 dismissal, a person may have his record of arrest sealed or
21 expunged as may be provided by law. However, any defendant
22 placed on supervision before January 1, 1980, may move for
23 sealing or expungement of his arrest record, as provided by
24 law, at any time after discharge and dismissal under this
25 Section. A person placed on supervision for a sexual offense
26 committed against a minor as defined in clause (a)(1)(L) of

1 Section 5.2 of the Criminal Identification Act or for a
2 violation of Section 11-501 of the Illinois Vehicle Code or a
3 similar provision of a local ordinance shall not have his or
4 her record of arrest sealed or expunged.

5 (g) A defendant placed on supervision and who during the
6 period of supervision undergoes mandatory drug or alcohol
7 testing, or both, or is assigned to be placed on an approved
8 electronic monitoring device, shall be ordered to pay the costs
9 incidental to such mandatory drug or alcohol testing, or both,
10 and costs incidental to such approved electronic monitoring in
11 accordance with the defendant's ability to pay those costs. The
12 county board with the concurrence of the Chief Judge of the
13 judicial circuit in which the county is located shall establish
14 reasonable fees for the cost of maintenance, testing, and
15 incidental expenses related to the mandatory drug or alcohol
16 testing, or both, and all costs incidental to approved
17 electronic monitoring, of all defendants placed on
18 supervision. The concurrence of the Chief Judge shall be in the
19 form of an administrative order. The fees shall be collected by
20 the clerk of the circuit court. The clerk of the circuit court
21 shall pay all moneys collected from these fees to the county
22 treasurer who shall use the moneys collected to defray the
23 costs of drug testing, alcohol testing, and electronic
24 monitoring. The county treasurer shall deposit the fees
25 collected in the county working cash fund under Section 6-27001
26 or Section 6-29002 of the Counties Code, as the case may be.

1 (h) A disposition of supervision is a final order for the
2 purposes of appeal.

3 (i) The court shall impose upon a defendant placed on
4 supervision after January 1, 1992 or to community service under
5 the supervision of a probation or court services department
6 after January 1, 2004, as a condition of supervision or
7 supervised community service, a fee of \$50 for each month of
8 supervision or supervised community service ordered by the
9 court, unless after determining the inability of the person
10 placed on supervision or supervised community service to pay
11 the fee, the court assesses a lesser fee. The court may not
12 impose the fee on a minor who is made a ward of the State under
13 the Juvenile Court Act of 1987 while the minor is in placement.
14 The fee shall be imposed only upon a defendant who is actively
15 supervised by the probation and court services department. The
16 fee shall be collected by the clerk of the circuit court. The
17 clerk of the circuit court shall pay all monies collected from
18 this fee to the county treasurer for deposit in the probation
19 and court services fund pursuant to Section 15.1 of the
20 Probation and Probation Officers Act.

21 A circuit court may not impose a probation fee in excess of
22 \$25 per month unless the circuit court has adopted, by
23 administrative order issued by the chief judge, a standard
24 probation fee guide determining an offender's ability to pay.
25 Of the amount collected as a probation fee, not to exceed \$5 of
26 that fee collected per month may be used to provide services to

1 crime victims and their families.

2 The Court may only waive probation fees based on an
3 offender's ability to pay. The probation department may
4 re-evaluate an offender's ability to pay every 6 months, and,
5 with the approval of the Director of Court Services or the
6 Chief Probation Officer, adjust the monthly fee amount. An
7 offender may elect to pay probation fees due in a lump sum. Any
8 offender that has been assigned to the supervision of a
9 probation department, or has been transferred either under
10 subsection (h) of this Section or under any interstate compact,
11 shall be required to pay probation fees to the department
12 supervising the offender, based on the offender's ability to
13 pay.

14 (j) All fines and costs imposed under this Section for any
15 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
16 Code, or a similar provision of a local ordinance, and any
17 violation of the Child Passenger Protection Act, or a similar
18 provision of a local ordinance, shall be collected and
19 disbursed by the circuit clerk as provided under Section 27.5
20 of the Clerks of Courts Act.

21 (k) A defendant at least 17 years of age who is placed on
22 supervision for a misdemeanor in a county of 3,000,000 or more
23 inhabitants and who has not been previously convicted of a
24 misdemeanor or felony may as a condition of his or her
25 supervision be required by the court to attend educational
26 courses designed to prepare the defendant for a high school

1 diploma and to work toward a high school diploma or to work
2 toward passing the high school level Test of General
3 Educational Development (GED) or to work toward completing a
4 vocational training program approved by the court. The
5 defendant placed on supervision must attend a public
6 institution of education to obtain the educational or
7 vocational training required by this subsection (k). The
8 defendant placed on supervision shall be required to pay for
9 the cost of the educational courses or GED test, if a fee is
10 charged for those courses or test. The court shall revoke the
11 supervision of a person who wilfully fails to comply with this
12 subsection (k). The court shall resentence the defendant upon
13 revocation of supervision as provided in Section 5-6-4. This
14 subsection (k) does not apply to a defendant who has a high
15 school diploma or has successfully passed the GED test. This
16 subsection (k) does not apply to a defendant who is determined
17 by the court to be developmentally disabled or otherwise
18 mentally incapable of completing the educational or vocational
19 program.

20 (1) The court shall require a defendant placed on
21 supervision for possession of a substance prohibited by the
22 Cannabis Control Act, the Illinois Controlled Substances Act,
23 or the Methamphetamine Control and Community Protection Act
24 after a previous conviction or disposition of supervision for
25 possession of a substance prohibited by the Cannabis Control
26 Act, the Illinois Controlled Substances Act, or the

1 Methamphetamine Control and Community Protection Act or a
2 sentence of probation under Section 10 of the Cannabis Control
3 Act or Section 410 of the Illinois Controlled Substances Act
4 and after a finding by the court that the person is addicted,
5 to undergo treatment at a substance abuse program approved by
6 the court.

7 (m) The Secretary of State shall require anyone placed on
8 court supervision for a violation of Section 3-707 of the
9 Illinois Vehicle Code or a similar provision of a local
10 ordinance to give proof of his or her financial responsibility
11 as defined in Section 7-315 of the Illinois Vehicle Code. The
12 proof shall be maintained by the individual in a manner
13 satisfactory to the Secretary of State for a minimum period of
14 3 years after the date the proof is first filed. The proof
15 shall be limited to a single action per arrest and may not be
16 affected by any post-sentence disposition. The Secretary of
17 State shall suspend the driver's license of any person
18 determined by the Secretary to be in violation of this
19 subsection.

20 (n) Any offender placed on supervision for any offense that
21 the court or probation department has determined to be sexually
22 motivated as defined in the Sex Offender Management Board Act
23 shall be required to refrain from any contact, directly or
24 indirectly, with any persons specified by the court and shall
25 be available for all evaluations and treatment programs
26 required by the court or the probation department.

1 (o) An offender placed on supervision for a sex offense as
2 defined in the Sex Offender Management Board Act shall refrain
3 from residing at the same address or in the same condominium
4 unit or apartment unit or in the same condominium complex or
5 apartment complex with another person he or she knows or
6 reasonably should know is a convicted sex offender or has been
7 placed on supervision for a sex offense. The provisions of this
8 subsection (o) do not apply to a person convicted of a sex
9 offense who is placed in a Department of Corrections licensed
10 transitional housing facility for sex offenders.

11 (p) An offender placed on supervision for an offense
12 committed on or after June 1, 2008 (the effective date of
13 Public Act 95-464) that would qualify the accused as a child
14 sex offender as defined in Section 11-9.3 or 11-9.4 of the
15 Criminal Code of 1961 shall refrain from communicating with or
16 contacting, by means of the Internet, a person who is not
17 related to the accused and whom the accused reasonably believes
18 to be under 18 years of age. For purposes of this subsection
19 (p), "Internet" has the meaning ascribed to it in Section
20 16-0.1 ~~16J-5~~ of the Criminal Code of 1961; and a person is not
21 related to the accused if the person is not: (i) the spouse,
22 brother, or sister of the accused; (ii) a descendant of the
23 accused; (iii) a first or second cousin of the accused; or (iv)
24 a step-child or adopted child of the accused.

25 (q) An offender placed on supervision for an offense
26 committed on or after June 1, 2008 (the effective date of

1 Public Act 95-464) that would qualify the accused as a child
2 sex offender as defined in Section 11-9.3 or 11-9.4 of the
3 Criminal Code of 1961 shall, if so ordered by the court,
4 refrain from communicating with or contacting, by means of the
5 Internet, a person who is related to the accused and whom the
6 accused reasonably believes to be under 18 years of age. For
7 purposes of this subsection (q), "Internet" has the meaning
8 ascribed to it in Section 16-0.1 ~~16J-5~~ of the Criminal Code of
9 1961; and a person is related to the accused if the person is:
10 (i) the spouse, brother, or sister of the accused; (ii) a
11 descendant of the accused; (iii) a first or second cousin of
12 the accused; or (iv) a step-child or adopted child of the
13 accused.

14 (r) An offender placed on supervision for an offense under
15 Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a
16 juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or
17 11-21 of the Criminal Code of 1961, or any attempt to commit
18 any of these offenses, committed on or after the effective date
19 of this amendatory Act of the 95th General Assembly shall:

20 (i) not access or use a computer or any other device
21 with Internet capability without the prior written
22 approval of the court, except in connection with the
23 offender's employment or search for employment with the
24 prior approval of the court;

25 (ii) submit to periodic unannounced examinations of
26 the offender's computer or any other device with Internet

1 capability by the offender's probation officer, a law
2 enforcement officer, or assigned computer or information
3 technology specialist, including the retrieval and copying
4 of all data from the computer or device and any internal or
5 external peripherals and removal of such information,
6 equipment, or device to conduct a more thorough inspection;

7 (iii) submit to the installation on the offender's
8 computer or device with Internet capability, at the
9 offender's expense, of one or more hardware or software
10 systems to monitor the Internet use; and

11 (iv) submit to any other appropriate restrictions
12 concerning the offender's use of or access to a computer or
13 any other device with Internet capability imposed by the
14 court.

15 (s) An offender placed on supervision for an offense that
16 is a sex offense as defined in Section 2 of the Sex Offender
17 Registration Act that is committed on or after January 1, 2010
18 (the effective date of Public Act 96-362) that requires the
19 person to register as a sex offender under that Act, may not
20 knowingly use any computer scrub software on any computer that
21 the sex offender uses.

22 (t) An offender placed on supervision for a sex offense as
23 defined in the Sex Offender Registration Act committed on or
24 after January 1, 2010 (the effective date of Public Act 96-262)
25 shall refrain from accessing or using a social networking
26 website as defined in Section 17-0.5 of the Criminal Code of

1 1961.

2 (Source: P.A. 95-211, eff. 1-1-08; 95-331, eff. 8-21-07;
3 95-464, eff. 6-1-08; 95-696, eff. 6-1-08; 95-876, eff. 8-21-08;
4 95-983, eff. 6-1-09; 96-262, eff. 1-1-10; 96-362, eff. 1-1-10;
5 96-409, eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1414, eff.
6 1-1-11; 96-1551, Article 2, Section 1065, eff. 7-1-11; 96-1551,
7 Article 10, Section 10-150, eff. 7-1-11; revised 4-18-11.)

8 Section 960. The Consumer Fraud and Deceptive Business
9 Practices Act is amended by changing Sections 2MM and 2VV as
10 follows:

11 (815 ILCS 505/2MM)

12 Sec. 2MM. Verification of accuracy of consumer reporting
13 information used to extend consumers credit and security freeze
14 on credit reports.

15 (a) A credit card issuer who mails an offer or solicitation
16 to apply for a credit card and who receives a completed
17 application in response to the offer or solicitation which
18 lists an address that is not substantially the same as the
19 address on the offer or solicitation may not issue a credit
20 card based on that application until reasonable steps have been
21 taken to verify the applicant's change of address.

22 (b) Any person who uses a consumer credit report in
23 connection with the approval of credit based on the application
24 for an extension of credit, and who has received notification

1 of a police report filed with a consumer reporting agency that
2 the applicant has been a victim of financial identity theft, as
3 defined in Section 16-30 or 16G-15 of the Criminal Code of
4 1961, may not lend money or extend credit without taking
5 reasonable steps to verify the consumer's identity and confirm
6 that the application for an extension of credit is not the
7 result of financial identity theft.

8 (c) A consumer may request that a security freeze be placed
9 on his or her credit report by sending a request in writing by
10 certified mail to a consumer reporting agency at an address
11 designated by the consumer reporting agency to receive such
12 requests. This subsection (c) does not prevent a consumer
13 reporting agency from advising a third party that a security
14 freeze is in effect with respect to the consumer's credit
15 report.

16 (d) A consumer reporting agency shall place a security
17 freeze on a consumer's credit report no later than 5 business
18 days after receiving a written request from the consumer:

- 19 (1) a written request described in subsection (c);
20 (2) proper identification; and
21 (3) payment of a fee, if applicable.

22 (e) Upon placing the security freeze on the consumer's
23 credit report, the consumer reporting agency shall send to the
24 consumer within 10 business days a written confirmation of the
25 placement of the security freeze and a unique personal
26 identification number or password or similar device, other than

1 the consumer's Social Security number, to be used by the
2 consumer when providing authorization for the release of his or
3 her credit report for a specific party or period of time.

4 (f) If the consumer wishes to allow his or her credit
5 report to be accessed for a specific party or period of time
6 while a freeze is in place, he or she shall contact the
7 consumer reporting agency using a point of contact designated
8 by the consumer reporting agency, request that the freeze be
9 temporarily lifted, and provide the following:

10 (1) Proper identification;

11 (2) The unique personal identification number or
12 password or similar device provided by the consumer
13 reporting agency;

14 (3) The proper information regarding the third party or
15 time period for which the report shall be available to
16 users of the credit report; and

17 (4) A fee, if applicable.

18 (g) A consumer reporting agency shall develop a contact
19 method to receive and process a request from a consumer to
20 temporarily lift a freeze on a credit report pursuant to
21 subsection (f) in an expedited manner.

22 A contact method under this subsection shall include: (i) a
23 postal address; and (ii) an electronic contact method chosen by
24 the consumer reporting agency, which may include the use of
25 telephone, fax, Internet, or other electronic means.

26 (h) A consumer reporting agency that receives a request

1 from a consumer to temporarily lift a freeze on a credit report
2 pursuant to subsection (f), shall comply with the request no
3 later than 3 business days after receiving the request.

4 (i) A consumer reporting agency shall remove or temporarily
5 lift a freeze placed on a consumer's credit report only in the
6 following cases:

7 (1) upon consumer request, pursuant to subsection (f)
8 or subsection (1) of this Section; or

9 (2) if the consumer's credit report was frozen due to a
10 material misrepresentation of fact by the consumer.

11 If a consumer reporting agency intends to remove a freeze
12 upon a consumer's credit report pursuant to this subsection,
13 the consumer reporting agency shall notify the consumer in
14 writing prior to removing the freeze on the consumer's credit
15 report.

16 (j) If a third party requests access to a credit report on
17 which a security freeze is in effect, and this request is in
18 connection with an application for credit or any other use, and
19 the consumer does not allow his or her credit report to be
20 accessed for that specific party or period of time, the third
21 party may treat the application as incomplete.

22 (k) If a consumer requests a security freeze, the credit
23 reporting agency shall disclose to the consumer the process of
24 placing and temporarily lifting a security freeze, and the
25 process for allowing access to information from the consumer's
26 credit report for a specific party or period of time while the

1 freeze is in place.

2 (1) A security freeze shall remain in place until the
3 consumer requests, using a point of contact designated by the
4 consumer reporting agency, that the security freeze be removed.
5 A credit reporting agency shall remove a security freeze within
6 3 business days of receiving a request for removal from the
7 consumer, who provides:

8 (1) Proper identification;

9 (2) The unique personal identification number or
10 password or similar device provided by the consumer
11 reporting agency; and

12 (3) A fee, if applicable.

13 (m) A consumer reporting agency shall require proper
14 identification of the person making a request to place or
15 remove a security freeze.

16 (n) The provisions of subsections (c) through (m) of this
17 Section do not apply to the use of a consumer credit report by
18 any of the following:

19 (1) A person or entity, or a subsidiary, affiliate, or
20 agent of that person or entity, or an assignee of a
21 financial obligation owing by the consumer to that person
22 or entity, or a prospective assignee of a financial
23 obligation owing by the consumer to that person or entity
24 in conjunction with the proposed purchase of the financial
25 obligation, with which the consumer has or had prior to
26 assignment an account or contract, including a demand

1 deposit account, or to whom the consumer issued a
2 negotiable instrument, for the purposes of reviewing the
3 account or collecting the financial obligation owing for
4 the account, contract, or negotiable instrument. For
5 purposes of this subsection, "reviewing the account"
6 includes activities related to account maintenance,
7 monitoring, credit line increases, and account upgrades
8 and enhancements.

9 (2) A subsidiary, affiliate, agent, assignee, or
10 prospective assignee of a person to whom access has been
11 granted under subsection (f) of this Section for purposes
12 of facilitating the extension of credit or other
13 permissible use.

14 (3) Any state or local agency, law enforcement agency,
15 trial court, or private collection agency acting pursuant
16 to a court order, warrant, or subpoena.

17 (4) A child support agency acting pursuant to Title
18 IV-D of the Social Security Act.

19 (5) The State or its agents or assigns acting to
20 investigate fraud.

21 (6) The Department of Revenue or its agents or assigns
22 acting to investigate or collect delinquent taxes or unpaid
23 court orders or to fulfill any of its other statutory
24 responsibilities.

25 (7) The use of credit information for the purposes of
26 prescreening as provided for by the federal Fair Credit

1 Reporting Act.

2 (8) Any person or entity administering a credit file
3 monitoring subscription or similar service to which the
4 consumer has subscribed.

5 (9) Any person or entity for the purpose of providing a
6 consumer with a copy of his or her credit report or score
7 upon the consumer's request.

8 (10) Any person using the information in connection
9 with the underwriting of insurance.

10 (n-5) This Section does not prevent a consumer reporting
11 agency from charging a fee of no more than \$10 to a consumer
12 for each freeze, removal, or temporary lift of the freeze,
13 regarding access to a consumer credit report, except that a
14 consumer reporting agency may not charge a fee to (i) a
15 consumer 65 years of age or over for placement and removal of a
16 freeze, or (ii) a victim of identity theft who has submitted to
17 the consumer reporting agency a valid copy of a police report,
18 investigative report, or complaint that the consumer has filed
19 with a law enforcement agency about unlawful use of his or her
20 personal information by another person.

21 (o) If a security freeze is in place, a consumer reporting
22 agency shall not change any of the following official
23 information in a credit report without sending a written
24 confirmation of the change to the consumer within 30 days of
25 the change being posted to the consumer's file: (i) name, (ii)
26 date of birth, (iii) Social Security number, and (iv) address.

1 Written confirmation is not required for technical
2 modifications of a consumer's official information, including
3 name and street abbreviations, complete spellings, or
4 transposition of numbers or letters. In the case of an address
5 change, the written confirmation shall be sent to both the new
6 address and to the former address.

7 (p) The following entities are not required to place a
8 security freeze in a consumer report, however, pursuant to
9 paragraph (3) of this subsection, a consumer reporting agency
10 acting as a reseller shall honor any security freeze placed on
11 a consumer credit report by another consumer reporting agency:

12 (1) A check services or fraud prevention services
13 company, which issues reports on incidents of fraud or
14 authorizations for the purpose of approving or processing
15 negotiable instruments, electronic funds transfers, or
16 similar methods of payment.

17 (2) A deposit account information service company,
18 which issues reports regarding account closures due to
19 fraud, substantial overdrafts, ATM abuse, or similar
20 negative information regarding a consumer to inquiring
21 banks or other financial institutions for use only in
22 reviewing a consumer request for a deposit account at the
23 inquiring bank or financial institution.

24 (3) A consumer reporting agency that:

25 (A) acts only to resell credit information by
26 assembling and merging information contained in a

1 database of one or more consumer reporting agencies;
2 and

3 (B) does not maintain a permanent database of
4 credit information from which new credit reports are
5 produced.

6 (q) For purposes of this Section:

7 "Credit report" has the same meaning as "consumer report",
8 as ascribed to it in 15 U.S.C. Sec. 1681a(d).

9 "Consumer reporting agency" has the meaning ascribed to it
10 in 15 U.S.C. Sec. 1681a(f).

11 "Security freeze" means a notice placed in a consumer's
12 credit report, at the request of the consumer and subject to
13 certain exceptions, that prohibits the consumer reporting
14 agency from releasing the consumer's credit report or score
15 relating to an extension of credit, without the express
16 authorization of the consumer.

17 "Extension of credit" does not include an increase in an
18 existing open-end credit plan, as defined in Regulation Z of
19 the Federal Reserve System (12 C.F.R. 226.2), or any change to
20 or review of an existing credit account.

21 "Proper identification" means information generally deemed
22 sufficient to identify a person. Only if the consumer is unable
23 to reasonably identify himself or herself with the information
24 described above, may a consumer reporting agency require
25 additional information concerning the consumer's employment
26 and personal or family history in order to verify his or her

1 identity.

2 (r) Any person who violates this Section commits an
3 unlawful practice within the meaning of this Act.

4 (Source: P.A. 94-74, eff. 1-1-06; 94-799, eff. 1-1-07; 95-331,
5 eff. 8-21-07.)

6 (815 ILCS 505/2VV)

7 Sec. 2VV. Credit and public utility service; identity
8 theft. It is an unlawful practice for a person to deny credit
9 or public utility service to or reduce the credit limit of a
10 consumer solely because the consumer has been a victim of
11 identity theft as defined in Section 16-30 or 16G-15 of the
12 Criminal Code of 1961, if the consumer:

13 (1) has provided a copy of an identity theft report as
14 defined under the federal Fair Credit Reporting Act and
15 implementing regulations evidencing the consumer's claim
16 of identity theft;

17 (2) has provided a properly completed copy of a
18 standardized affidavit of identity theft developed and
19 made available by the Federal Trade Commission pursuant to
20 15 U.S.C. 1681g or an affidavit of fact that is acceptable
21 to the person for that purpose;

22 (3) has obtained placement of an extended fraud alert
23 in his or her file maintained by a nationwide consumer
24 reporting agency, in accordance with the requirements of
25 the federal Fair Credit Reporting Act; and

1 (4) is able to establish his or her identity and
2 address to the satisfaction of the person providing credit
3 or utility services.

4 (Source: P.A. 94-37, eff. 6-16-05; 95-331, eff. 8-21-07.)

5 Section 999. Effective date. This Act takes effect January
6 1, 2012."